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Roll 1

LISTS OF DOCUMENTS

748a.00 - 748x.8415

DOCUMENTS

748. -- POLITICAL RELATIONS

748a.00 South Africa General; 748a.--South Africa and Portugal; Angola; Portuguese East Africa; Lourenco Marquez; Mozambique; Belgian Congo; South West Africa; Germany; Japan; 748f.--Rhodesia and Angola; 748r.--Gambia and French West Africa; 748t.--British East Africa and Uganda; Belgian Congo; German East Africa; Italian Somaliland; Abyssinia; 748v.--Zanzibar and Germany; 748x.--British Somaliland and Ethiopia.

748a.00 - 748x.8415



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No.

748A:20

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File No. 748A.5315

Fil No.

—823

Life No

748a.53m

SUB No.	FROM—	DATE 1925	TO—	SUB No.	PURPORT.
-		Sept 6		NOTE	See 7482.53q/50 for #491 from Portugal (Carroll) re: Probable arrival in Lisbon Oct. 1, of Norton de Matos, High Commissioner of Angola.
1	Lisbon (Pinkerton) Report #191	1926 July 28	we acc		Relations of South Africa with Angola.
2		1928 July 12		NOTE	SEE 853M.00/19 for despatch #129 from Leanda (Bailey) regarding Relations between Angola and South Africa. Settlement of question of position of the Boers in Angola.

File No. 748a, 53N

File No.

SUB No.	FROM—	DATE.	TO—	SUB No.	PURPORT.
- X	Lourenco Marques #118 (Cross)	Mar. 8	we co pi		Possible new factors in relations of Portuguese East Africa and the Union of South Africa. Reports -.
1	Lourenco Marques (Cross) #158	July 18	we co pi		Attitude of the Union of South Africa toward Portuguese East Africa. Reports that since the general elections in Union of South Africa it has become apparent that the government of General Hertzog does not propose to continue the antagonistic policy and economic war General Smuts has carried on for past four years. Informs concerning: Policy of Gen Hertzog; Possibility of reopening negotiations for a Mocambique convention; Attitude of Portuguese; and loan developments.
X 2	Lourenco Marques #169 Cross	Aug 30	WE FA PI		Concessions to Portuguese by the Union of South Africa. Reports relative -.
3	Lourenco Marques (Cross) Report #12	Oct. 14 1927	we ea fa pi		Increasing Cordiality between Union of South Africa and Portuguese East Africa. Reports concerning-
4		Oct 8	we	NOTE	Difficulty between Portuguese East Africa and the Union of South Africa arising from attempt to obtain larger privileges at Lourenco Marques by General Hertzog. See 748a.53a/75 for Despatch No. 2097 from Portugal (Dearing)

File No. 748a.53p

File No.

SUB No.	FROM—	DATE.	TO—	SUB No.	PURPORT.
X -		1921 Mar. 3		NOTE	See 853p.77/4 for from Cape Town #3064 Mar. #/21 re: Portugal urged to work in harmony with south Africa in re her African possessions and to discard retrograde system of administration.
X 1	Cape Town #199 (Poole)	1924 Aug. 15	we fa pi		Prospect of better relations between South Africa and Delagoa Bay. Informs of -. Regarding conversation with Mr. A.T. Long.
X 2	Cape Town #255 Poole	Oct. 23	we fa pi		Relations between South Africa and Portuguese at Delagoa Bay. Reports - continue to improve. informs of week end visit of Prime Minister of the Union to Lourenco Marquez Oct. 11-13. States Senor Coutinho, High Commissioner of Mozambique expected to arrive in Cape Town on Nov. 10.
X 3		1926 Sept. 16		NOTE	SEE 748A.53q/70 for Report - from Lourenco Marques (Hoffitt) regarding Proposals of Chamber of Commerce of Lourenco Marques to Congress of South African Chambers of Commerce.
X 4	Lourenco Marques (Hinkle) # 66	Feb. 26			Agitation of South African business for annexation of the Port of Lourenco Marques. Reports upon. - noted 748a.53p14

CASE NUMBER
748a53p14

1—1228

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File No. 748a-53p15

File No.

1-823

File No.

748a.53g

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SUB No.	FROM—	DATE.	TO—	SUB No.	PURPORT.
X -	Lisbon #- (Hollis)	Feb. 4	we		Relations betw. Union of So. Africa & Prov. of Mozambique. Events leading up to taking over, by Portuguese authorities at Lourenco Marques, of so-called "Delagoa Bay Railway". Exists in So. Africa spirit of So. African nationalism. Political conditions in South Africa which affect the Portuguese Colonies. Quotes letter from a friend in Africa re-.
1	Lisbon (Hollis) #148	Apr. 28	WE		Conference at London between leading Mins. of Brit. Govt and Premiers and delegates of the large self governing Brit. Colonies. Great interest being taken by the Portuguese in -. Further information.
2	Lisbon (Hollis) #215	July 7	we pi		Relations between Union of South Africa and Portuguese Colonies in Africa. Reports re-. Quotes article from DIARIO DE NOTICIAS.
3	Lisbon (Hollis) #219	July 19	we pi		Political conditions in South Africa. Portuguese view of -. Based in impression created in South Africa against Portugal because of the Portuguese Transportes Maritimos de Estado ships recently arrested and placed under embargo at Cape Town because of indebtedness of certain Cape town merchants.
4	Lisbon (Hollis) #325	Oct. 21	we dc-2		New Treaty to replace expired Mozambique convention. Reports re-.
5	Cape Town (Winslow)	Oct. 7	we dc-2		Relations between the Transvaal, the Union of South Africa and the Province of Mozambique. reports re-.
6	Lisbon (Hollis) #	Oct. 27	we		Proposed negotiations betw. Union of So. Africa & High Comr. of Portuguese East Africa, looking towards conclusion of new treaty to replace expired Mozambique Convention. Dept. transmits copy report Oct. 7/21 from Cape Town re-.
7		Sept. 23	Portugal #357 (Birch) we	5	NOTE SEE 748a.55p/1 for despatch #45 from Lourenco Marquez (Honaker) Sept. 23, 1921 RE:- Mozambique Convention. Reports relations existing between Lourenco Marquez and the Union of South Africa have lately been subject of some discussion, owing principally to realization on part of the people of Portuguese East Africa that some action will have to be taken in near future re to the amendment of the -, etc.
					Relations between Mozambique and the Union of South Africa. DIARIO DE NOTICIAS reports Col. Alfredo Augusto Freire da Andrade who departed for London on mission for the Portuguese is wanted by high comr. Mozambique to assist in negotiations.
X 8	Lisbon (Hollis) #385	Nov. 22	we pi		

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Subject: Relations between British South Africa and Mozambique.

748a. 539.

SUB No.	FROM—	DATE.	TO—	SUB No.	PURPORT.
9		1921	cont'd		tiations for new convention between Union of South Africa and Mozambique. Further information.
X 10	Lourenco Marques #45 (Honaker)	Sept. 23			Mozambique Convention. Reports relations existing between Lourenco Marques and the Union of South Africa have lately been subject of some discussion, owing principally to realization on part of people of Portuguese East Africa that some action will have to be taken in near future in re the amendment of the .-.
X 11	Lourenco Marques (Honaker) #55	Nov. 10			Newspaper comments upon Mozambique Convention. Transmits - re to which formed part of Lourenco-Marques Guardian of Nov. 10/21.
X 12	Lourenco Marques (Honaker) #71	Feb. 21	we pi		Reports that Gov.-Gen. of Union of South Africa has invited the High Commissioner of the Province to a conference for purpose of discussing the Mozambique Convention.
X 13	Lourenco Marques (Honaker) #81	1922 Apr. 1	we ni co		Mozambique-Transvaal Convention denounced. Quotes Statement re - in GUARDIAN.
14	Lourenco Marques #82 (Honaker)	Apr. 8	we ni co		Denouncement of the Mozambique convention by the Union of South Africa. Reports GUARDIAN contains statement by Gen. Smuts re-. Quote s said statement.
X 15	Cape Town (Pisar) #214	Apr. 18			Proposed renunciation of Mozambique Convention: Informs that Govt. of Union of South Africa has served notice on Portuguese Govt. of its intention to renounce the Mozambique Convention as from Apr. 1, 1923, Report concerning-.
		May 26	Portugal #392 (Dearing) we ea	13	Termination of Mozambique Convention: negotiation of new agreement betw. Union of So. Africa & Port. E. Africa Dept. encloses copy of desp. Apr. 1/22 from Lourenco Marques, containing acct. of official denunciation of Mozambique Convention.
		May 26	Gr. Brit. #532 (Harvey) we ea	13	do do do do
X 16	Lourenco Marques #93 (Honaker)	Apr. 27	we pi co		Revision of the Mozambique Convention. Transmits newspaper clippings taken from GUARDIAN with re to-
X 17	Lourenco Marques #92 (Honaker)	Apr. 25	we pi co		Mozambique Convention. Transmits clipping from GUARDIAN of Apr 125/22 commenting upon the---. Enclose clipping, sketch of delegates who represent Portugal & Prov. of Mozambique in coming convention with Union of So. Africa held to reframe Transvaal-Mozambique Convention.

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SUB No.	FROM—	DATE 1922	TO—	SUB No.	PURPORT.
X 18	Lisbon (Hollis) #- we pi	May 30			New convention between Mozambique and Union of South Africa. Informs negotiations are not progressing smoothly. Gives points upon which they are unable to agree.
X 19	Lisbon (Hollis) #- we pi	June 2			Convention between Mozambique and Union of South Africa. Public feeling in Mozambique. Report concerning—
X 20	Lisbon (Hollis) #-	June 14	we pi		New Convention between Mozambique and the Union of South Africa. Reports re—
X 21	Lourenco Marques (Honaker) #100 we co pi	May 16			Views of Transvaal Manufacturers' Association regardint the new convention with the Mocambique Province: Encloses clipping giving.
X 22	Lisbon (Hollis) #-	June 23	we co pi		New Convention between Mozambique and Union of South Africa: Informs that negotiations have been completely broken off, with nothing accomplished. Report concerning.
X 23	Lisbon (Hollis) #-	June 27	we co pi		Controversy between Mozambique and South Africa: Quotes translation of a newspaper article concerning—
X 24	Cape Town #263 (Pisar)	June 24	we co pi		Mozambique Convention Conf. Proves abortive. Reports Conf. proved abortive. Port. delegates sailed for Lisbon to place fore Port. Govt. views & claims of Union Govt. Three main topics of Moazambique Convention:—railway agreement by which traffic betw. Lourenco Marques & Transvaal regulated; recruiting of native labor in Port. E. Africa for gold mines of the Rand; equal & unhampered exchange of products betw. 2 countries.
		July 24	Lisbon (Dearing) #408 we	21	Views of President of Transvaal Manufacturers' Assoc. re certain provisions of Mozambique Convention, renewal of which is under discussion between Portugal and Union of South Africa. Transmits copy of despt. of May 16, 1922 from AM. Con. at Lourenco Marques with enclosures newspaper clippings re —.
X 25	Lourenco Marques (Honaker) #110 we co pi	June 27			Encloses clipping, being a statement by Prime Min. of Union of South Africa, in re suspension of negotiations re Mozambique Convention taking place between Union Govt. and officials of Province of Mocambique.
X 26	Lourenco Marques (Honaker) #111 we co pi	June 29			Mocambique Convention: Encloses newspaper clipping relative to negotiations between Govt. of Union of South Africa and Province of Mocambique in connection with —.

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SUB No.	FROM—	DATE	TO—	SUB No.	PURPORT.
X 27	Cape Town #287 (Pisar)	1922 July 19	we co pi		Mozambique convention and New Port in Zululand. Sir. George Buchanan to shortly visit South Africa and prepare plan for construction of a new harbor on North Zululand Coast. NOTED TO 848e.156
		Aug. 18	Portugal #416 (Dearing) we	25	Mozambique Convention. Dept. transmits copy of desp. #110 & 111 from Am. Con., Lourenco Marques, with enclosures, newspaper articles re the breakdown of the recent negotiations looking to the framing of a new convention.
X 28	Lourenco Marques (Honaker) #130	Aug. 2,	we co pi		Mozambique Convention. Quotes comment on from the Beira News of July 14 1922 entitled "The Conference and its Lessons".
X 29	Lourenco Marques (Honaker) #131	Aug. 3,	we co pi		Debate in Portuguese Parliament at Lisbon with reference to Mozambique Convention. Transmits clipping from Lourenco Marques Guardian of Aug. 3, 1922 re - also encloses editorial.
X 30	Lourenco Marques #-3	Aug. 28	we co pi		Developments in Political relations of the Union of South Africa. Transmits report re-.
X 31	Lourenco Marques (Cross) #5	Sept. 16	we co pi		Extension of the Mozambique convention controversy to Beira and the effect of the new Currency law. Reports re-.
X 32	Lourenco Marques (Cross) #12	Oct. 14,	we co pi		Renewal of Negotiation concerning the Mozambique Convention. Reports re reported -. Also reports re new proposal made by Gen. Smuts in speech at Bloemfontein re leasing a portion of harbor and shore to a Brit. chartered co. to develop Lourenco Marques port facilities to desired extent. Also mentions project for new harbor at Kosi Bay for coal and the products of low veld Country which will be carried out. Also gives information re the currency situation.
X 33	Lourenco Marques (Cross) #18	Oct 21	we pi		Reports composition of Commission for Negotiation of New Mozambique Convention.
X 34	Lourenco Marques	Oct 30	we pi		Report re local Portuguese opinion in re to personnel of new commission. Rumored that British F.O. creating Commission to meet Portuguese in London.
X 35	Lourenco Marques (Cross) #24	Nov 1	we co pi		Reports developments in currency situation at Beira. Two of largest stores raised all prices 100%, giving rebate in case account paid in British sterling.
X 36	Lourenco Marques (Cross) #28	Nov 9	we co pi		Report events transpiring within last week which affects situation re Mozambique convention

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Subject: Relations between British South Africa and Mozambique

SUB No.	FROM—	1922	TO—	SUB No.	PURPORT.
X 37	Lisbon(Hollis) #-	Dec. 4	we co pi		Portugal's colonial problems. Relations between Mozambique and the Union of South Africa. Reports re-.
X 38	Cape Town (Pisar) #394	Dec. 8	we co pi		Relations between the Belgian Congo and Portuguese East Africa and Union of South Africa. Report in re to-. Quotes articles from the press re-. noted 748a. 51a
X 39	Cape Town(Pisar) #413	1923 Jan. 17	we co pi		Relations between South Africa and Portuguese East Africa. Quotes article published in "DIARIO DE NOTICIAS, and republished in "CAPE ARGUS" of Jan. 10, 1923, re interview with High Commissioner of Portuguese East Africa, re-.
X 40	Cape Town(Pisar) #414	Jan 17	we co pi		Relations between South Africa and the Belgian Congo. Quotes article which appeared in "CAPE ARGUS" Jan. 10, 1923, re cause of Belgian distrust of the motives of South Africa.
X 41	Cape Town(Pisar) #446	Feb 23	we co pi		Termination of Mozambique Convent- ion between Portuguese East Africa and the Union of South Africa. Reports re--. Informs that that the two Govts. have agreed that temporary provision must be made to deal with certain important matters.
X 42	Cape Town #450 (Pisar)	Feb. 27	we co pi		Mozambique Convention between Portuguese East Africa and the Union of South Africa. Reports re
X 43	Lourenco Marques #50 (Cross) P.E.A.	Feb. 26	we co pi		Admission by Gen. Smuts of virtual defeat in Mocambique Convention Negotiations. Reports re reply to question in House of Assembly on Feb. 22/23, re
		Mar. 24	Cape Town # (Pisar) we co	40	Political conditions in So. Africa. Dept. commends for excellent man- ner in which prepared several reports.
X 44	Cape Town #460 (Pisar)	Mar. 14	we co pi		Effect of abrogation of the Mozam- bique convention. Reports re-.
X 45	Lisbon(Hollis) --	Apr. 3,	we co pi		Copy of statement by Gen. Smuts Mozambique - South Africa Convention. Reports re a provisional agreement re which proposes the part of Old Convention re native labor supply but does not apply to any other parts of Convention, States was signed in Lisbon Mar. 31, 1923 by Brit. Min.
X 46	Lourenco Marques #63 (Cross)	Mar. 24	we co pi		Temporary agreement with Union of South Africa in place of Renewal of Mocambique Convention. Reports re-. Situation still unstable.

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SUB No.	FROM—	DATE 1923	TO—	SUB No.	PURPORT.
X 47	Lourenco Marques (Cross) #63 we co pi	Apr. 3			The "Modus Vivendi" With the Union of South Africa. Reports an agreement was signed in Lisbon on Mar. 31, 1923 providing for renewal of first part only of the convention subject to denunciation by either party at six month notice. States only material change effected is termination of free trade provision for mutual exchange of products of the Transvaal and of Portuguese East Africa. Reports efforts are being made to secure a loan in U.S.
X 48	Great Brit. (Wheeler) #2522	June 18	we pi		WHILE PAPER "AGREEMENT BETWEEN HIS MAJESTY'S GOVT AND PORTUGUESE GOVT FOR RENEWAL OF PART I OF MOZAMBIQUE TRANSVAAL CONVENTION OF APRIL 1 1909
X 49	Lourenco Marques (Cross) #85	Aug. 5,	we co pi		Developments in Negotiations for a New Mocambique convention. Reports re-
X 50	Portugal (Carroll) #491	Sept. 6	We pi		Early departure of Azevedo Coutinho, High Comr. of Mozambique for Lisbon, en route to London where he will treat matters of vital importance to the colony, among them that of revision of existing treaty between Mozambique and the Transvaal and probable arrival in Lisbon Oct. 1 of Norton de Matos, High Comr. of Angola. Local press reports -- NOTED TO 748a.53m.
X 51	Lourenco Marques #90 (Cross)	Sept. 16	we co pi		Probable Terms of the New Mocambique Convention. Reports that it now appears almost certain that a new Convention will be concluded before end of current yr. Port. & Gen Smuts receded from their extreme positions & essential points now agreed upon. Information re the provisions.
X 52	Gr. Brit. #3103 (Wheeler)	Nov. 15	we pi		Negotiations between representatives of Portuguese Govt. and Gen. Smuts for convention between Mozambique and South Africa. Transmits press clipping regarding.
X 53	Portugal #576 (Dearing)	Nov. 9	we pi		Negotiations between Between Gen. Smuts and August Soares for treaty regulations relations between Union of South Africa and Colony of Mozambique. Gen. Smuts desires conversations to continue in Cape Town
X 54	Lourenco Marques P.E.A. #96 ((Cross)	Nov. 10	we co pi		Failure of negotiations for new Mocambique convention. Reports regarding -: Reasons: effects of the failure.

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SUB No.	FROM—	DATE.	TO—	SUB No.	PURPORT.
X 55	Lourenco Marques P.E.A. (Cross) #102	1923 Dec. 17	we ea ni		Discussion between Rhodesia and Mozambique Company relative to the Port of Beira. Reports regarding-
X 56	Lourenco Marques P.E.A. (Cross) #110	Jan. 30 1924 Apr. 8	we co pi Lourenco Marques (Cross) we	56	Friction between Portuguese and British over Mine labor, and other matters. reports concerning - 1 Despatch #110 entitled "Friction between Portuguese and British over mine labor and other matters Department commends for -, and desires to have matter followed closely.
X 57	Lisbon (Carroll) #784	Apr. 10	we pi		Projected visit of Prince of Wales to South Africa. Informs - has been canceled following the resignation of the Smuts Cabinet. Informs of visit of British fleet under Rear Admiral Gilbert.
X 58	Lourenco Marques #128 (Cross)	March 28	we ea co pi		Adjustment of Transit Trade- Beira, Rhodesia. Reports that by formal decree the Lisbon authorities have cancelled the so called lighthouse dues at Beira, which amounted to five pence per ton on all goods passing through the port of Beira, and which were one of the causes that led premier of Southern Rhodesia to pay a visit to Beira. Beira Development Company now state improvements made at Beira will not increase charges at present imposed on transit trade. Information concerning this Co. Informs that a Capetown tel of Sept 7th reports that the Min of Fin of the Union Govt has communicated to the Parliament of the Union of So Africa the correspondence exchanged with the Portuguese Govt concerning the revision of the Mozambique treaty, stating that the Union Govt is prepared to begin negotiations toward that end in the near future.
X 59	Portugal Carroll Report #53	Sept 8	We P1		Mozambique Convention. Reports a member of the Union Parliament put a question on September 6 with regard to the -. Minister of Finance stated that correspondence was at present passing between the Union Government and the Portuguese authorities with a view to discussing - at an early date.
X 60	Cape Town #223 (Poole)	Sept. 9	we fa pi		South African-Mozambique Rapprochement. Informs of courtesies shown High Commissioner Coutinho on his return to Lourenzo Marques by South African officials. It is believed that while at Pretoria the question of the renewal of the Mozambique Convention was discussed.
X 61	Portugal Report 102 Carroll	Nov. 18	we pi		

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1925

SUB No.	FROM—	DATE.	TO—	SUB No.	PURPORT.
X 62	Lourenco Marques Rpt. #53 Cross	Feb 6	we fa pi		Suspension of negotiations with the Union of South Africa: reports regarding -
X 63	Lourenco Marques #224 Cross	Apr 17	we fa		Deadlock in Negotiations for a new convention: reports regarding -
X 64	Durban #26 Lakin	Apr 30	we ea acc so fa dp		Natal and the Mozambique Convention Importance of its lapsing to Durban and compares ports of Lourenco Marques and Durban.
X 65	Lourenco Marques #240 Cross	Jun 9	we fa		Renewed efforts for convention with Union of South Africa.
X 66	Lourenco Marques #22 (Gourley)	Oct. 29	we acc		Report regarding - Portuguese Proposals at Convention Conference in Lourenco Marques. Encloses copy of proposals - and - refers to page 3 of quarterly report of October 15, 1925 "Review of Commerce and Industries".
X 67		Dec. 2		Note	See 848a.00/287 for #- from Cape Town (Poole) regarding Negotiations for new convention between South Africa and Mozambique. Reports regarding deferring of--.
X 68	Lisbon Report (Hollis) #117	1926 Jan. 19	we acc		Mozambique-South African Relations Comments upon declaration by Portugal that it is third Colonial Power in world, when measured by area of colonies; Influence upon Portugal's colonies by relations with their neighbors; statements by chairman of meeting by Transvaal and Delagoa Bay Investment Company, Ltd. concerning commercial relations between Union of South Africa and Province of Mozambique.
X 69	Lourenco Marques #- Moffitt	Mar 31	we acc		Mozambique Convention and railway. traffic. Report on -
X 70	Lourenco Marques #- Moffitt	Sep 16	we ea acc		Proposals of Chamber of Commerce of Lourenco Marques to Congress of South African Chambers of Commerce Noted to 748A.53p
X 71		Nov. 30		NOTE	SEE 033.48a53/- for Despatch #1694 from Portugal (Dearing) regarding Conference between Prime Minister Hertzog of Union of South Africa and Portuguese authorities for discussion of relations between Mozambique and South Africa.
X 72	Lourenco Marques #140 Moffitt	1927 May 25	we acc		Negotiations for convention between Union of South Africa and Province of Mozambique postponed indefinitely.
X 73	Lourenco Marques #147 (Moffitt)	June 8	we		Present state of feeling in Lourenco Marques concerning renewal of the Mozambique Convention. Attitude of people about the renewal of the Convention; reasons for attitude of indifference; recruitment of labor for mines; new native labor

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GOVERNMENT PRINTING OFFICE 1-207

1927

SUB No.	FROM—	DATE	TO—	SUB No.	PURPORT
73		June 8	continued:		laws; possible origin of the law; anti-British feeling increasing.
X 74	Lisbon #1688 (Mellie)	June 23	we		Portuguese finances and South African politics. Great Britain's hidden hand controlling all of Portugal's foreign financial policy. Possibility of Southern Mozambique being detached from Portuguese rule. Encloses translation of article from DIARIO DE NOTICIAS and copy of article from AFRICAN WORLD.
X 75	Portugal #2097 Dearing	Oct 8	we		Difficulty between Portuguese East Africa and the Union of South Africa arising from attempt to obtain larger privileges at Lourenco Marques by General Hertzog. Notes to 853.00; 853.014; and 748a.53n
X 76	Portugal #2103 Dearing	Oct 14	we		Reported tension in relations between Mozambique and Union of South Africa. Translation from O SEculo enclosed.
X 77		Nov. 1		NOTE	SEE 848a.00/316 for Report #- from Cape Town (Cross) Re: Failure of negotiations with Portugal for a new Mozambique treaty and unlikely that it will be resumed at present.
X 78		1928 Jan. 3		NOTE	SEE 848A.00 P.R./1 for #- from Cape Town (Cross). Regarding relations between Transvaal and Mozambique. Denunciation of the Mozambique Convention continues to occupy the public mind. Important pronouncement toward the Convention by General Hertzog speaking at Annual Engineer's Banquet at Johannesburg on Dec. 14, 1927. Mining industry very deeply concerned.
X 79		Apr. 3		NOTE	SEE 853.00 P.R./9 for #2253 from Portugal (Andrews) regarding: Relations-South African Union and Mozambique. C.W. Malan, Minister of Railways and Ports of South Africa Union, to visit in Lisbon and negotiate a new Convention with Mozambique concerning railways and native labor for the Rand mines.
X 80		May 1		NOTE	SEE 853.00 P.R./11 for despatch #2275 from Portugal (Andrews) regarding: Mozambique Convention. Minister of Railways of Union of South Africa coming to Lisbon to confer with Minister for Colonies with regard to basis for .-.
X 81		May 16		NOTE	SEE 853.00 P.R./12 for despatch #2293 from Portugal (Andrews) regarding: Portugal and Union of South Africa.

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GOVERNMENT PRINTING OFFICE 1-207

1928

SUB No.	FROM—	DATE	TO—	SUB No.	PURPORT
X 82	Portugal #2303 (Dearing)	May 29	we		Negotiations for new Convention between Mozambique and Union of South Africa. Copy of DIARIO DO GOVERNO of May 16, 1928 containing the texts of Bases of Agreement for drawing up, -. Also clipping of an article commenting on the Convention.
X 83		May 31		NOTE	See 853.00 P.R./13 for desp. #2305 from Portugal (Dearing) regarding Convention between Portugal and South Africa - Bases for - signed on May 15th at Foreign Office.
X 84	Lourenco Marques #21 (Hinkle)	May 22	td we acc	<i>Treaty</i>	Agreement for a new Mozambique Convention between Portugal and the Union of South Africa. Signed on May 15th at Lisbon and needs no further ratification, as it was approved by the Portugal cabinet. Brief summary of subjects under this agreement. Press clippings enclosed.
X 85	Cape Town #- (Totten)	June 15	td we acc		Reaction to terms of agreement for Proposed Mozambique Convention.
		July 23	Lourenco Marques WE (Hinkle)	84	Agreement for a new Convention between Portugal and the Union of South Africa - despatch regarding meets Department approval.
X 86		July 30		NOTE	SEE 853N.00/11 for despatch #32 from Lourenco Marques (Hinkle) regarding Agreement for new convention between Portugal and Union of South Africa signed on May 15 1928 in Lisbon.
X 87	Portugal #2397 (Andrews)	Sept. 18	td		Convention between Mozambique and Union of South Africa. Treaty made and signed on September 11 in Johannesburg. Summary of chief features of the Convention as given in the local press, modifying them by details taken from the London TIMES.
X 88	Cape Town #287 (Totten)	Sept. 24	td		New Mozambique Convention. Date for conference between delegates of the Union and Mozambique set for Aug. 20th, at administrative capital of the Union, Pretoria, Transvaal. Names of Portuguese delegates. Representatives of Union of South Africa. Conference began work on August 20 and concluded on September 11th. Main features and provisions of Convention. Comments on the Convention. Full text as published in Government Gazette Extraordinary No. 1728 Vol. LXXXIII Pretoria, Sept. 17, 1928.
X 89	Lourenco Marques #42 (Hinkle)	Sept. 20	td		New Mozambique Convention signed at Pretoria, September 11th to take effect from that date. Essential changes as regards restrictions on

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1928

SUB No.	FROM—	DATE	TO—	SUB No.	PURPORT
89		Sept.20	continued:		Portuguese natives emigrating to the Rand, deferred pay for Mozambique and railway rates between the two countries. Portuguese success; reasons for Portuguese advantages; situation in the Union; future of Rand labor; short synopsis of the Convention.
< 90	Portugal #2470 (Dearing)	Dec.6	td we		Convention between Mozambique and the Union of South Africa signed Sept.11th. Ratified by the Portuguese Govt. Copy of text of de- SEE 853.00 P. R./21 for despatch
/ 91		1929 Jan.16		NOTE	#2495 from Portugal (Dearing) re- garding: Portugal and Union of South Africa. Newspapers of the Transvaal, received at Lisbon, publish certain appreciations of the Convention between Portugal and Union of South Africa.
92	Portugal #2845 (Dearing)	Oct.18	we		Convention between Governments of Portugal and Union of South Africa signed September 11, 1928. Instruments of ratification of, - were exchanged in Lisbon on Sept. 25, 1928. Convention regulates native labor from Colony of Mozambique into Province of Transvaal, railway matters and commercial intercourse between Union of Sputh Africa and Mozambique.

Boundary Questions - British South Africa and Mozambique

1-1228

[illegible]

748a.55a

File No.

SUB No.	FROM—	DATE.	TO—	SUB No.	PURPORT.
- X		Dec 8		NOTE	See 748a.53q/38 for Des.#394 from Cape Town(Pisar) re: Relations between Belgian Congo and Union of South Africa. Report in re to and quotations of articles in press re-.
1	Cape Town #395 (Pisar)	Dec.12	we co pi		Relations between South Africa and Belgium. Quotes art from CAPE TOWN TIMES indicating Gen. Smuts' explanation of his remarks re South African Govt's attitoward the Congo is considered satisfactory.

File No. 48a.62H

File No.

SUB No.	FROM—	DATE	TO—	SUB No.	PURPORT.
X-	Cape Town (Pisar) #252 we co pi	June 7 1922			Additional legislation governing relations between Union of South Africa and the Mandate territory of South West Africa. Report re-.
1	Cape Town #348 (Pisar)	Sent. 28	we co pi		Agitation in South West Africa in favor of Union with South Africa. Reports re-. Encloses clippings.
X 2	Cape Town #351 (Pisar)	Oct. 3	we co pi		Agitation in So. West Africa in favor of Union with So. Africa. Quotes article appearing in CAPE ARGUS of Sept. 29/22, under authorship of its correspondent at Windhoek, S.W.A. containing local newspaper comment re the present —.

NUMBER

1-1228

1-1228

[illegible]

File No.

748 A. 942

LIST OF PAPERS

Subject: Treaties of Commerce and Navigation - British South Africa and Japan

GOVERNMENT PRINTING OFFICE 1-207

1927

[illegible]

File No. 1148f. 53m15

File No.

5920

CASHMERE

7-228

**SERIAL
NO.**

DATE

**SERIAL
NO.**

TO—

DATE

CHARGED TO

1

Great Britain #54
(Atherton)

July 6

Treaty cards.

7-19-29

we td

LIST OF PAPERS

Subject: Boundary Questions between British East Africa and Uganda.

748 t. 48u/5

GOVERNMENT PRINTING OFFICE 1-207

1927

[illegible]

File No.

7487.55 A15

1-207

1

File No.

748T: 62515

End

1926					1927	
SUB No.	FROM—	DATE	TO—	SUB No.	PURPORT	
-	Belgian Embassy	June 15	we ah so dp acc		Boundary between Tanganyika and Ruanda-Urundi under mandate of Great Britain and Belgium. Transmits copies of notes exchanged May 17, 1926 between Belgium and Great Britain with copy of protocol and annexes signed at Kigoma, August 5, 1924 relative to -	
		1927			Treaty Cards.	
1	Great Britain #1679 Atherton	Mar 5	dp we ea so acc		Protocol respecting the boundary between Tanganyika Territory and Belgian Mandated Territory of Ruanda-Urundi, signed at Kigoma, August 5, 1924, and notes exchanged between British and Belgian Governments, Brussels, May 17, 1924. Transmits copies of British Publication entitled TREATY SERIES NO. 6 (1927)	

File No. 7482.65B 15

File No.

✓✓

[illegible]

748π.84

File No.

[illegible]

Case No.

748 v. 622

1910

[illegible]

LIST OF PAPERS

File No.

~~48X.8415~~

Subject: Boundary questions - British Somaliland and Ethiopia.

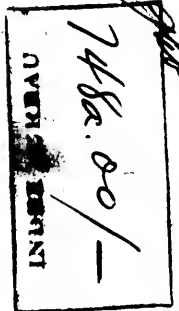
U. S. GOVERNMENT PRINTING OFFICE: 1928 1-207

[illegible]

new

DOCUMENT FILE

NOTE



SEE 767.68119/808 FOR #82

FROM Cape Town (Poola) DATED Apr. 10, 1924

TO _____ NAME _____

REGARDING: Ratification of Treaties by the Union of South Africa particularly the Treaty of Lausanne. Informs of proceedings in the Union Parliament during which General Smuts answered questions on a number of points concerning -.

DOCUMENT FILE

NOTE

SEE 753m.62rl5/- FOR #1673
FROM Portugal (Dearing) DATED Nov. 10, 1926
TO _____ NAME _____ 1-1127 GPO

REGARDING: Boundary between mandated territory of SouthWest
Africa and Angola and use of the water of the
Cunene River in mandated territory. Agreements
of June 22 and July 1, between Portugal and
Union of South Africa relative to -

INDEX BUREAU

748a.5315/-

new

DOCUMENT FILE

NOTE

748a.53M
/

SEE 748a.53q/50 FOR despatch #491
FROM Portugal (Carroll) DATED Sept 6 1923
TO NAME

REGARDING: Probable arrival in Lisbon Oct.1 of Norton de Matos, High
Comr. of Angola. SEE COPY

Lisbon, Portugal

No. 4911

6 September 1923.

The Honorable

The Secretary of State,

Washington, D.C.

Sir:

I have the honor to refer to my despatch number 456, of August 22, 1923, last, quoting an address delivered by Senhor Manuel Teixeira Gomes at London on August 30th, in which the President-elect referred to the secular political and military alliance existing between his country and Great Britain, and to the important questions now pending between the Union of South Africa and the Portuguese colonies of Angola and Mozambique.

In this connection I have the honor to state that today's local press reports the prospective early departure of Senhor Agostinho Gouveia, High Commissioner of the latter colony, for Lisbon en route to London, where he will treat "matters of vital importance to the colony, among them that of the revision of the existing treaty between Mozambique and the Transvaal".

The

- 2 -

The press likewise refers to the probable arrival in
Lisbon, on or about October first, of Senhor Norton de Matos,
High Commissioner of Angola.

I have the honor to be, Sir,

Your obedient servant,

J. W. Carroll
Charge d'Affaires ad interim.

1
1
VOIUNTARY REPORT.



No. 193.

RELATIONS OF SOUTH AFRICA WITH ANGOLA.

J. L. Pinkerton
From: J. L. Pinkerton, Vice Consul.

W. Stanley Hollis
Approved by W. Stanley Hollis, Consul General.

Office: Lisbon, Portugal. Date of Preparation: July 28, 1926.

Date of Mailing: July 28, 1926.

An incident of some interest as affecting the political relations of the Portuguese colonies with South Africa is the reported desire of the Union to establish a Consulate in Angola. The suggestion was

made,

-2-

made, not to the Foreign Office at Lisbon, but direct to the Government of Angola and is said to be based on the presence in Angola of several thousand citizens of the Union.

The Angola Government referred the matter to Lisbon and the outcome of the negotiations is problematical as the Portuguese have been very loath to treat South Africa as an independent nation, which attitude has undoubtedly been a contributing factor to the friction existing in the relations of Mozambique with the Union. However, in recent months there have been signs of a reduction of this friction. The era of better feeling began when General Hertzog raised the bar on loans to the Benguela Railway, (it will be recalled that General Smuts opposed loans by London interests to the railroad). Then the Portuguese decided to treat directly with the Union the delimitation of the Southern boundary of Angola, which was accomplished to their mutual satisfaction.

JLP/MS.
File No. 800.

DOCUMENT FILE

NOTE

SEE 863M.00/19 FOR Despatch #129

FROM Loanda (Bailey) DATED July 12, 1928
TO NAME 1-1137 GPO

REGARDING: Relations between Angola and South Africa. Settlement
of question of position of the Boers in Angola.

AMERICAN FOREIGN SERVICE REPORT

No. 80

NOV
5
1924

DATE, October 19, 1924.

OFFICE: Legation, Lisbon.

GEOGRAPHIC DESIGNATION: Portugal.

SCHEDULE NO. AND SUBJECT: G1220 Boundary questions.

TITLE: The Question of the Delimitation of the Southern Boundary of Angola.

SOURCE: Local Press.

(INITIALS OF OFFICER PREPARING REPORT)

REFERENCE TO PREVIOUS REPORTS: None.

1. The SEculo of October 19th published interviews with the Ministers for Foreign Affairs and for the Colonies concerning the reports which have recently appeared in the opposition press alleging that Messrs. Augusto de Vasconcellos and Freire de Andrade, members of the Portuguese delegation to the Fifth Assembly of the League of Nations, are now in London negotiating with the British Government for the delimitation of the southern frontier of the province of Angola and the resultant cession to Great Britain of that portion of the colony which lies south of the Cunene River.

2. Both Ministers categorically denied the reports, stating that Messrs. Vasconcellos and Freire de Andrade bear no mandate other than that, now expired, of representation of Portuguese interests in the Fifth Assembly of the League of Nations. The Minister for Foreign Affairs declared however that the question of the delimitation of the southern boundary of Angola is occupying his present attention and that he has charged the competent division of his Ministry with the preparation of pertinent material bearing on the subject, the liquidation of which would, he believes, serve the best interests of both the British and Portuguese colonial administrations.

In quintuplicate.

Copy to E.I.C. Paris.

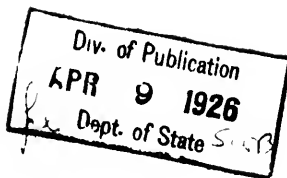


LEGATION OF THE
UNITED STATES OF AMERICA

Lisbon, Portugal

March 15, 1926.

No. 1413



INDEX BUREAU
748 A. 53 M 151

The Honorable

The Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform the Department that the Lisbon newspapers of March 14th ultimo reported that negotiations had been concluded for the meeting of delegates of the Governments of Portugal and of the Union of South Africa, at Cape Town, for the definite delimitation of the frontiers between the Union of South Africa and the Portuguese colony of Angola.

According to the same newspapers, the Portuguese delegation, which will include three members, will leave for Cape Town the end of April.

I have the honor to be, Sir,

Your obedient seryant,

FRED LOUIS DARLING

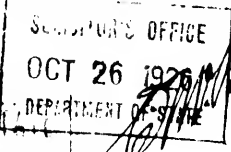
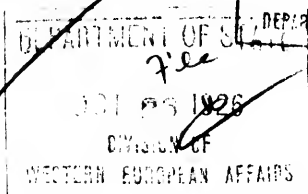
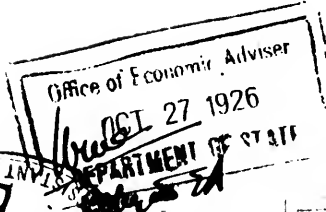
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APR 13 1926



LEGATION OF THE
UNITED STATES OF AMERICA

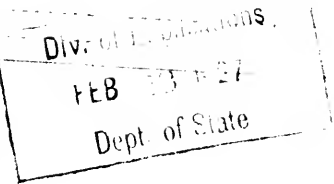
No. 1631.

Lisbon, Portugal,
October 9, 1926.



For Distribution

The Honorable
The Secretary of State,
Washington.



S i r:

As of interest to the Department, I have the honor to transmit herewith clipping from the DIARIO DE NOTICIAS of today's date, giving the Portuguese text of the treaty recently signed at Cape Town by the representatives of the Portuguese and Union of South Africa Governments, for the delimitation of the frontiers between Angola and the former German colony of West Africa, at present under the mandate of the union.

Inasmuch as the American Consul General at Cape Town has undoubtedly forwarded to the Department the English text of the treaty and the agreement that accompanies it, the Legation has

not.....

18A.53 m/s/2

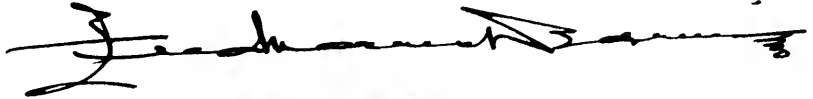
MAR 18 1927

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not thought it necessary to make a translation.

I have the honor to be, Sir,

Your obedient servant,

A handwritten signature in dark ink, appearing to read "Fred Morris Dearing", with a long horizontal flourish extending to the right.

FRED MORRIS DEARING

Enclosure:

As stated.

From DIARIO DE NOTICIAS,
October 9, 1926.

POLITICA EXTERNA
AS NOSSAS FRONTEIRAS
NA
AFRICA DO SUL

O texto dos acordos entre Portugal e os governos alemão e sul-africano

Foram em Junho findo ao Cabo da Boa Esperança, três delegados portugueses — os srs. dr. Augusto de Vasconcelos, vice-almirante Ernesto de Vasconcelos e coronel Roma Machado — com a incumbência e plenos poderes de acordar com o governo da União Sul Africana a arrastada rectificação da fronteira entre a nossa colónia de Angola e o território da antiga colónia alemã do Sudoeste Africano, hoje sob mandato desse governo. Igualmente, e por estes mesmos delegados, foi estabelecido um acordo com a União Sul Africana, respeitante á utilização que ela desejava fazer das águas do Rio Cunene.

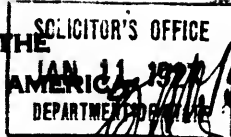
A' volta dessa missão foram, nalgumas entrevistas publicadas aqui e por outros jornais, citadas vagamente as bases em que se firmaram esses acordos. O seu texto completo publicamo-lo hoje, para conhecimento cabal da quantos por essas duas questões se interessam.

Acordo entre o governo da União Sul-Africana e o governo da República Portuguesa respeitante á fronteira entre o território sob-mandato do Sudoeste Africano e Angola

Considerando que o artigo 1.º do Tratado assinado em Lisboa, em 26 de Dezembro de 1886, entre o Governo da R. M. e Imperador da Alemanha e o Governo da R. M. e Rei de Portugal, indicava o traçado da linha fronteira delimitando as possessões alemãs e portuguesas no Sudoeste Africano; Considerando que em virtude de um mandato que lhe foi conferido pelo Conselho da Sociedade das Nações, em conformidade com o art. 22.º do Tratado de Versaillias, o Governo da União Sul Africana, sob reserva do dito mandato, possui a soberania sobre o território do Sudoeste Africano (chamado também apenas «o Território») anteriormente colocado sob a soberania da Alemanha; Considerando que, pelo Tratado de Paz e o «South West Africa Mandate Act, 1919» (Lei da União n.º 49, de 1919), o governador geral da União, constituindo o Governo da União, foi autorizado a efectivar o referido mandato. Considerando uma política de



EMBASSY OF THE
UNITED STATES OF AMERICA

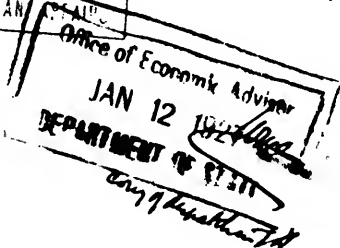
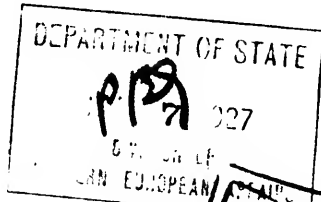


LONDON, December 22, 1926

No. 1537

126-171-171

FILE



EA
126-171-171
INDEX JOURNAL
748a. 5377/153

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to transmit herewith, for the information of the Department, copies in quintuplicate of a British Government White Paper entitled TREATY SERIES No. 29, (1926) AGREEMENT BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE GOVERNMENT OF THE REPUBLIC OF PORTUGAL IN RELATION TO THE BOUNDARY BETWEEN THE MANDATED TERRITORY OF SOUTH-WEST AFRICA AND ANGOLA, signed at Cape Town, June 22, 1926.

I have the honor to be, Sir,
Your obedient servant,

F. A. Sterling
F. A. STERLING,
Chargé d'Affaires ad interim.

✓OK
Enclosure:

Cmd. 2777 in quintuplicate.

JAN 18 1927
P. 110



TREATY SERIES No. 29 (1926)

Agreement

between the Government of the Union of
South Africa and the Government of the
Republic of Portugal in relation to the
Boundary between the Mandated Territory of
South-West Africa and Angola

SIGNED AT CAPE TOWN,
JUNE 22, 1926

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

LONDON:
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
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1926

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Cmd. 2777

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UNITED STATES OF AMERICA

1926

74/8 a. 53 M 15/3

BY James E. Thomas DATE 7/21/65

Agreement between the Government of the Union of South Africa and the Government of the Republic of Portugal in relation to the Boundary between the Mandated Territory of South-West Africa and Angola.

Signed at Cape Town, June 22, 1926.

WHEREAS Article 1 of the Treaty entered into at Lisbon and dated the 30th December, 1886, made between the Government of His Majesty the German Emperor and the Government of His Majesty the King of Portugal described the boundary line defining the German and Portuguese possessions in South-West Africa;

And whereas under a mandate issued by the Council of the League of Nations in pursuance of Article 22 of the Treaty of Versailles, the Government of the Union of South Africa, subject to the terms of the said mandate, possesses sovereignty over the Territory of South-West Africa (hereinafter referred to as the Territory) lately under the sovereignty of Germany;

And whereas by the Treaty of Peace and South-West Africa Mandate Act, 1919 (Union Act No. 49 of 1919), the Governor-General of the Union, being the Government of the Union, was authorised to give effect to the said mandate;

And whereas a dispute exists relative to the boundary between the Territory and Angola as described by Article 1 of the said Treaty of the 30th December, 1886, and in particular as to the identity of the waterfalls of the Kunene River mentioned in that article, which dispute it is desirable to settle;

And whereas for this purpose the Government of the Union of South Africa has appointed as its plenipotentiaries:—

1. The Hon. Jacob de Villiers, Judge of Appeal of the Supreme Court of South Africa (*Chairman*),
2. Gysbert Reitz Hofmeyr, Esquire, C.M.G., Ex-Administrator of South-West Africa,
3. Reenen Jacob van Reenen, Esquire, B.A., C.E., A.M. Am.Soc.C.E., A.M.I.C.E.,

and the Government of the Republic of Portugal has appointed as its plenipotentiaries:—

1. Dr. Augusto de Vasconcellos, President of the Delegation, Senator, Minister Plenipotentiary, Ex-Prime Minister, Ex-Minister for Foreign Affairs, Chief of the Portuguese Department for the League of Nations.
2. Vice-Admiral Ernesto de Vasconcellos, Director-General of the Ministry for the Colonies, Ex-Director of Diplomatic, Geographical and Marine Services in the Ministry of the Colonies, Professor of the Lisbon Colonial School, Permanent Secretary of the Geographical Society of Lisbon.

BY James E. Thomas DATE 7/21/65

3. Colonel Carlos Roma Machado, Military Engineer, Director of the Geographical Society of Lisbon, Ex-Director of Railways and Public Works in the Colonies.

Now, therefore, under and by virtue of the authority committed to them, the said plenipotentiaries, on behalf of their respective Governments, after due negotiation, agree as follows:—

1. The Waterfalls of the Kunene River referred to in Article 1 of the Treaty Between the Government of His Majesty the German Emperor and the Government of His Majesty the King of Portugal, entered into at Lisbon and dated the 30th December, 1886, are declared and agreed to be the great falls marked on Portuguese maps as Rua Cana Falls and on German maps as Kambele Falls, and situate approximately 17 degrees 23 minutes south latitude.

2. The boundary between the Territory and Angola is accordingly declared and agreed to be the middle line of the Kunene River, that is to say, the line drawn equidistant from both banks, from the mouth of the said river up to a point at the Rua Cana Falls, above the crest or lip where the said middle line crosses the parallel of latitude, passing through the beacon placed on the left bank of the said river in July 1920, by a joint Commission appointed by the British and Portuguese Governments. This beacon is placed on a large rock at the top of the cascade or rapid which leads to the vertical waterfall at the head of the main eastern gorge of the Rua Cana Falls.

The situation of the beacon is further determined by the following bearings, which are given in grades:—

	Grades.
Magnetic north	400'00
True north	21'11
Top quartz peak, about 2 kilom. distant	104'44
Baobab tree near fall, about 80 metres from point of observation and abreast middle waterfall ...	146'50
Lip of middle waterfall	173
Top of hill south-east of first bend of gorge, below the junction of eastern and western gorges ...	191
Prominent stone on sharp red peak west of gorge, below junction of eastern and western gorges ...	244
Top of upper rapid, about 45 metres from point of observation	266
Inscribed stone where Colonel Machado determined the latitude and longitude on the southern edge of the western gorge	268
Portuguese fort close to the most western waterfall	305
Approximate direction of rapids above delta above falls	374

3. From the point at the Rua Cana Falls, described in Article 2 above, the boundary follows the parallel of latitude passing through the said beacon to a point where it cuts the middle line of the Okavango (Cubango) River and thence as described in Article 1 of the Treaty of Lisbon of the 30th December, 1886.

BY James E. Trimis DATE 7/21/65

4

4. The boundary between the Territory and Angola shall in the first favourable season be demarcated by a joint commission to be appointed by the two Governments concerned. When this boundary follows a parallel of latitude or other straight line, the demarcation shall be made without any extensive deviation from that parallel or line. In demarcating the boundary line from the Kunene to the Okavango (Cubango) River, the latitude of boundary marks shall be corrected by means of astronomical observations at distances of not more than 50 kilom. apart. Except where a river forms the boundary, permanent beacons shall be erected along the said boundary line at distances not exceeding 10 kilom. apart and sufficient intermediate beacons, which need not be so durable, shall be erected alongside the roads, ways, rivers, streams and water-courses known as oshanas or mololas. The whole of the boundary line shall be cleared and kept free of bush and trees. The demarcation, clearing and maintenance of the boundary line and the maintenance of the beacons shall be a joint charge against the Government of the Union of South Africa and the Government of the Republic of Portugal, and the demarcation and clearing shall be effected with all convenient speed.

5. The Neutral Zone agreed upon by the German and Portuguese Governments and recognised by the Union and Portuguese Governments shall be maintained and treated as such for all the purposes for which it was created until demarcation of the boundary between the Kunene and the Okavango (Cubango) Rivers now agreed upon is completed.

6. Save as provided in Article 7 below, where the middle line of the river, that is to say the line lying equi-distant from both banks, cuts an island situate in the river, such middle line shall constitute the boundary between the Territory and Angola.

7. Wherever in demarcating the boundary as laid down in this Agreement it may be expedient to deviate from the line described, the Commissioners of the frontier shall arrange equitable compensation between the parties.

8. This Agreement shall take effect as from the date of the execution thereof by the plenipotentiaries.

Thus done and signed at the City of Cape Town on the 22nd day of June 1926.

JACOB DE VILLIERS (*Chairman*).

GYS. R. HOFMEYR.

R. J. VAN REENEN.

AUGUSTO DE VASCONCELLOS.

ERNESTO DE VASCONCELLOS.

CARLOS ROMA MACHADO.

No. 118

AMERICAN CONSULATE,
Lourenço Marques, P.E.A., March 8, 1924.

SUBJECT: Possible New Factors in Relations of
Portuguese East Africa and the Union of
South Africa.

THE HONORABLE
Department of State
THE SECRETARY OF STATE,

WASHINGTON

Division of
Political and Economic Information

SIR:

I have the honor to report that a number of new factors
seem about to be injected into the relations of Portuguese
East Africa and the Union of South Africa.

DISCOVERY OF COAL NEAR LOURENÇO MARQUES.

If properly exploited the most significant of the new
elements in the situation is the actual discovery of what
appear to be two excellent seams of good coal near Moamba,
within forty miles of Lourenço Marques, close to the rail-
way line. Promising traces of coal were discovered last
year near Resano Garcia, but until now the prospecting ef-
forts have failed to locate a workable seam. The new seams
are said to extend over a distance of twenty-five miles as
shown by outcrops.

Significance.

Coal so close to excellent harbor and loading facilities,
should mean the ruin of the Transvaal export trade in coal,
for the Portuguese product could be put on board at about 50%
of the cost of the Transvaal, which has to be hauled nearly
200 miles, and is handled by more expensive labor. It would
also be possible for the Portuguese to raise the railrage rates
or impose a transit duty that would effectively, strangle the
trade

ACKNOWLEDGED

APR 23 1924

DEPT. OF STATE

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MAY 5 1924

-2-

trade, although this should not be necessary.

Influence of the Indian Situation.

Moreover the Portuguese coal would also very probably serve to cripple the Durban coal trade. The action of the Indian Legislative Council in resolving to discriminate against South African coal in retaliation for the treatment of Indians in South Africa, has already caused much concern to the exporters and is said to be responsible for the notable decline in the quantity of coal exported during the last two months. It seems probable that as soon as a substitute supply could be found in Portuguese East Africa, that the Government of India would be forced to take some such action to exclude the South African product. So strong has the Indian feeling become that Mrs. Naidu during her stay here en route to the Transvaal is said to have offered to secure in India the loan which it proved impossible to negotiate on satisfactory terms in London. Apparently her sole motive was antagonism to the British South African. From the reception accorded to her here by the Indians, she can very properly claim to voice their feelings.

Influence on Shipping.

In any case bunkers at half or less of the Durban prices would divert a very large percentage of the ships now bunkering there to Lourenço Marques. This would also incidentally bring with it an increase in the percentage of the transit traffic coming to Lourenço Marques which under the recent pressure of the Government of the Union of South Africa has been reduced to about 45% or less of the so called competitive traffic.

Reaction on the Policy of General Smuts.

Should the discovery be properly exploited by the Portuguese, it will thus prove to be a very severe blow to the

Union

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Union of South Africa, and its policy of exerting all possible pressure to compel the surrender of the control of this port.

It would give the Portuguese the whip hand in negotiations with regard to the supply of labor for the Transvaal mines, and the transit trade, and would compel the British to ask the use of the port as a favor and not as now to seek to demand it as a right, and to regard the transit trade as a favor to be granted the Portuguese, unless indeed General Smuts should adopt high handed methods and seize the port and mines by force. The latter possibility is regarded as remote, but those closest in touch with the situation appear to have it constantly in mind.

The "IF'S" of the Situation.

There are, however, a number of questions to be settled before the discovery of the coal can be productive of its full consequences.

The first of these of course is whether the optimistic and apparently reliable reports as to the extent and quality of the coal prove to be substantiated.

The second is as to the business enterprise and ability of the discoverers. Under the terms of the concession none but Portuguese can hold stock in the company. The men promoting it, however, are with one exception not able business men, and there is no Portuguese staff competent to undertake the development of the mine. The technical skill required for the extraction of the coal can possibly be found in Germany and the United States, but the building up of a marketing organization even with the eager help of Indian business men will not be easy, and very likely will be beyond the ability of the present proprietors. Great secrecy is being put around the investigation of the discovery, and matters are going slowly. The future potentialities of the situation, however, are immense.

Inauguration

BY James E. Pringle DATE 7/21/65

-4-

INAUGURATION OF NEGOTIATIONS WITH AMERICAN INTERESTS.

Second only ⁱⁿ importance to the discovery of coal in its future potentialities, and from the American point of view of more interest, has been the approaching of the local government by a representative of the American Trading Company, with regard to the development Proposal projects for the province. ✓

The proposal placed before the Acting Governor General is to undertake the construction work on a cost plus 10% basis, the contracting company undertaking to supply the necessary funds, which are to be converted into a 30 year loan by the province from the company.

Projects.

The failure of the attempt to negotiate the desired loan on satisfactory terms in London, has rendered the local government doubly interested in such a proposition from an American source. The work which it is proposed to undertake is the same for which the negotiations which were so nearly successful in London were undertaken. The program, however, is not so ambitious, and the amount involved will be about \$15,000,000 instead of \$35,000,000, because some of the less urgent projects will for the time being be postponed.

The plans now call for the extension of the railway from Lourenço Marques to connect with that from Inhambane, and the carrying out of the irrigation development of the Limpopo valley, where something on the line of a colonization scheme will be attempted. The province is thoroughly ready for this development, and with the advent of the cotton boom, the demand is becoming insistent. The railway will open up a fertile country, suited to cotton, sugar or tobacco on a large scale, and will tap the richest peanut producing region of the Southern part of the province. Labor throughout the region is abundant, and although not particularly efficient is not expensive. The

project

-5-

project seems to be sound, and a good investment.

Value as American Investment

As an investment for American money, the proposal is especially attractive. Not only should it prove a good investment in itself, but it would inevitably contribute tremendously to the development of American trade and commercial development in the country. There are immense possibilities in the province, but it seems impossible to arouse American interest, until the ice is broken by an American firm with American citizens representing it actually beginning work, and reporting at first hand on the possibilities.

If the present venture proves successful, the same interests will undertake the projected Mozambique-Lake Nyasa line, and the Quelimane-Shire Highlands railway. Both of these routes tap rich country affording abundant opportunity for profitable investment.

British Propaganda.

On the other hand, unless American financial interests discount heavily the prejudiced reports of British banks, which are deeply involved in the economic squeeze being exerted on this province, and investigate for themselves, it is doubtful if they can be brought to appreciate the possibilities sufficiently to even undertake the first venture.

Several attempts made through the Baldwin Locomotive Works along similar lines have failed for these reasons, although immediately thereafter, British interests which had advised against Americans undertaking it, proceeded to guarantee a loan, that had it not been for certain clauses, liable to be given a political twist, would have been accepted by the Portuguese in spite of their dread of British penetration, because nothing else seemed available.

As far as this province is concerned, all reports from British sources must be heavily discounted as weighted with prejudice, and propaganda aimed at discrediting the Portuguese and

-6-

and preparing the way for the acquisition of the province by the British.

Whether the Portuguese can accept the American offer is dependent upon approval by the Lisbon authorities, and satisfaction with the terms. General instructions are being awaited by the local government, and if they are satisfactory the matter will be gone into in detail. Given the coal developments and American assistance in railway and agricultural developments, the province would be in a fair way to accomplish its dream of economic independence of the Union of South Africa.

ACTUAL DEVELOPMENTS.

Failure of Loan Negotiations.

As far as concrete developments, are concerned, the only recent events of importance have been, first, the failure to close with the proposed British loan, because of the political "jokers" in the contract, which among other things it was feared would place the province under the control of the British South African banks. It is reliably reported, however, that advantage is to be taken of the British export credit to the extent of £141,000. Even this, however, is but half of the original credit. It is generally believed that General Smuts was instrumental in the refusal of the British financiers to modify their terms to suit the Portuguese.

Stoppage of Recruiting of Native Labor.

Secondly, and perhaps more directly attributed to General Smuts, has been the decision to suspend the recruiting of natives in this province for work on the Transvaal mines, during the month of March as well as February. This is being done under the plea that the natives in the Union of South Africa are suffering from famine conditions due to drought and must be given an opportunity on the mines. The local population, however, cannot be persuaded to see in it, however, anything but another effort to "squeeze" this province. A certain number of natives are being sent to the coal mines to which the prohibition does not apply

-7-

apply, and thence smuggled to the gold mines where the Portuguese natives are in high favor as workers.

On the Portuguese side no decision has yet been reached as to whether they will retaliate by stopping all recruiting indefinitely. It does not seem probable that they will for the present.

TRANSIT TRADE AGREEMENT


No decision has been announced as to the transit trade understanding for this port, which expires on March 31, 1924, and provides for the transit of goods in bond through this city and territory to the Union of South Africa. There is, however, small doubt that it will be renewed. It is essential to the interest of both sides.

HIGH COMMISSIONER.

The new High Commissioner, who has been delaying his departure for this province for several months is displaying no indication of any early intention of coming. In the mean time the Acting Governor General by his vigorous shaking up of the government departments is steadily increasing the esteem in which he is held by the public, which would be very well pleased if he should be raised to the position of High Commissioner and left in permanent charge.

I have the honor to be, Sir,

Your obedient servant,


Cecil M. P. Cross.
American Consul.

✓ In quintuplicate.

No. 158.

Copies hereof to be sent to O.H.S.

Copy to Pi (after M.S.D.)

via. Enck

AUG 28 1924

AMERICAN CONSULATE,

Lourenço Marques, Portuguese East Africa,

July 18, 1924.

SUBJECT: Relaxation in the attitude of the
Union of South Africa toward Portuguese
East Africa.

Office of Economic Adviser

Aug 25 1924

THE HONORABLE

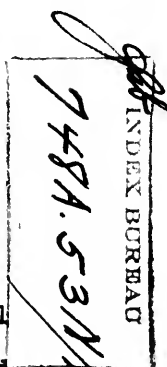
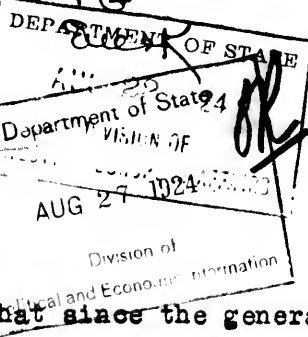
THE SECRETARY OF STATE.

WASHINGTON.

SIR:

I have the honor to report that since the general elections in the Union of South Africa, which resulted in the ousting of the South African Party, headed by General Smuts from power, it has become apparent that the government of General Hertzog does not propose to continue the antagonistic policy and economic war which General Smuts has been prosecuting against this province for the past four years.

At the time of the elections the Nationalist Party had made no pronouncement of any importance with regard to this province, and for some time there was the keenest anxiety here as to what their policy would be. The appointment of Colonel Cresswell as Minister for Labour, with his often repeated declarations in favor of the restriction and ultimate prohibition of recruiting native labor in this province for the Transvaal gold mines, caused a considerable amount of pessimism as to the possibility of a betterment in the relations between the two provinces. These fears do not appear to have been justified. It is not known whether Colonel Cresswell in power has changed his attitude, but the policy of the government does not



AUG 30 1924

DEPT. OF STATE
AUG 23 1924

ACKNOWLEDGED

✓ In quintuplicate.

No. 158.

Copies hereof to be sent to *O. H. J.*

Copy also to *Pi (after H. J. W.)*

AMERICAN CONSULATE,

Lourenço Marques, Portuguese East Africa,

July 18, 1924.

SUBJECT: Relaxation in the attitude of the
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THE HONORABLE

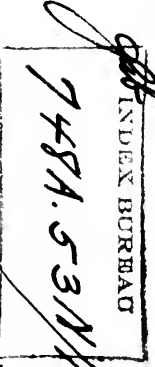
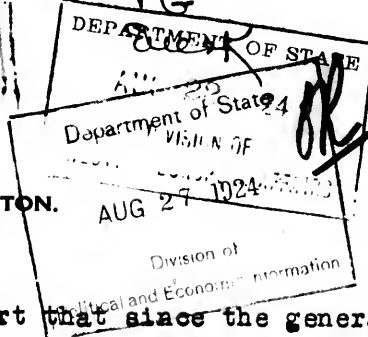
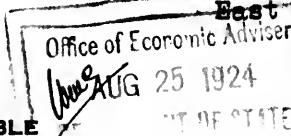
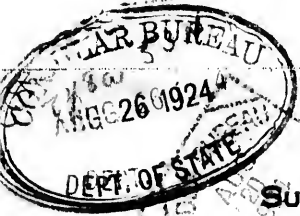
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AUG 30 1924

DEPT. OF STATE, AUG 23 1924

ACKNOWLEDGED

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as yet, at least, appear to be along the lines which he has advocated.

POLICY OF GENERAL HERTZOG.

From the changed tone of the instructions received by the local British officials it seems the policy of General Hertzog will be to conciliate the Portuguese authorities in so far as it is possible.

During the visit last week of H.M.S.S. "Birmingham", in the course of a public banquet in his honor, the Rear Admiral Sir Rudolf W. Bentinck who is in command of the ship made with emphasis the public statement that he believed Portuguese Africa should be allowed to develop in its own way without any outside interference. This statement was in such notable contrast to the platitudes which Admiral Bentinck has been in the habit of uttering on previous occasions of this kind that it is doubly significant.

As far as actual results are concerned, the only one of note has been the changed attitude on the part of the Union Government toward the recruiting of natives for the Transvaal mines. The shortage of labor has already become so acute that it would undoubtedly have been necessary to remove all restrictions at this season of the year, but the manner in which it has been done is much more conciliatory than that of the government of General Smuts last year.

POSSIBILITY OF REOPENING NEGOTIATIONS

FOR A MOCAMBIQUE CONVENTION.

The British officials here are expecting a renewal of the negotiations for a new convention. It is doubtful if

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this can be begun before the arrival of the new High Commissioner who is now expected to arrive in Lourenço Marques on the S. S. "Angola" about September 27, 1924.

It is also unlikely that the old Mozambique Convention would be renewed under any circumstances in its old form. The most that can be expected in view of the opposition of powerful influences on both sides, is that the existing Modus vivendi providing for the transit trade to the Transvaal, and the recruiting of natives for the Transvaal mines will be put on a definite basis for a period of years, instead of as now subject to denunciation by six months' notice. It is also perhaps possible that some definite arrangement regarding the allotment of traffic to the port of Lourenço Marques, may be arrived at, but because of the opposition of the Natal sugar growers, and of the merchants of this province there is small possibility that the old free trade provision will be again adopted. As yet, however, no definite steps have been taken toward the negotiations, and the changed attitude of the Union Government is in tone rather than actions.

ATTITUDE OF PORTUGUESE.

The Portuguese attitude still appears to be one of suspicion, even of resentment. The recruiting of natives for the Transvaal mines is not being facilitated by the Portuguese officials to any extent. Difficulties have been made with regard to the passes of the natives, which have obstructed the recruiting in some places, and the coasting steamers to Inhambane have not been operated in a way to permit the largest number of natives possible to be brought to Lourenço Marques en route to the Transvaal. In fact one steamer has been placed in dry dock at this time, when the situation in the Transvaal is becoming increasingly acute

-because-

-4-

because of the number of South African natives whose contract with the mines is expired returning to their homes.

The policy of the Portuguese government appears to be to wait for more concrete evidences of the new policy of the Union government before setting about forgetting the bitter experiences to which they have been subjected by the government of General Smuts. On the other hand, the attitude is decidedly more receptive than it could ever have been toward General Smuts, whose mere name had become anathema.

LOAN DEVELOPMENTS.

There is also a disposition to await the outcome of the negotiations of the High Commissioner in London, where he is now attempting to secure a development loan for this province. The business community as well as the higher officials are very sceptical as to the possibility of securing the loan under the terms prescribed by the law passed by the Lisbon parliament authorizing its negotiation.

No definite news has been received with regard to it, and the whole situation in the Province is now marking time, awaiting further developments.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. Cross
Cecil M. P. Cross,

American Consul.

No. 158

DEPT. OF STATE

OCT 25 1924

AMERICAN CONSULATE,

Lourenço Marques, P.E.A., August 30, 1924.

Division of
Foreign Service Administration

SUBJECT: Concessions to Portuguese by the Union of
South Africa.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that the developments of
the month of August appear to confirm the trend of events
covered in the Despatch of this Consulate No. 158, dated
July 18, 1924, entitled "Relaxation in the Attitude of the
Union of South Africa toward Portuguese East Africa."

Different Orientation of the Hertzog Government.

It now appears more clearly that the antagonistic
policy of General Smuts has for the time being at least been
abandoned. It is still felt by some, however, that this
change is due not so much to a friendly feeling on the part
of the new Nationalist-Labor Government, as to an indifference
on their part, a preoccupation with other affairs, and the
lack in their program of the imperial dream of a United South
Africa to include Rhodesia and Portuguese East Africa, which
appears to have been always present in the aims and plans of
General Smuts.

Visit of Agent of the Union of South Africa at Lourenço
Marques to Capetown.

An instance of this different attitude is afforded by
the summoning of the Agent of the Union of South Africa at
Lourenço Marques to Capetown for a conference. This visit
has been fully covered by Consul General Poole in his Despatch

No.

-2-

No. 199, dated August 15, 1934, Entitled "Prospect of Better Relations between South Africa and Delagoa Bay." C. No.

It appears that the calling of Mr. Long to Capetown was inspired in great part by a desire on the part of General Hertzog to familiarize himself with the details of a rather complicated situation, concerning which he knew but little, rather than any intention to formulate a definite program of conciliation. It would also appear that General Hertzog and his advisers are preoccupied with other questions and inclined to let matters drift for the present.

Pressure for a New Convention.

On the other hand the commercial interests are pressing for a more definite arrangement than the existing *modus vivendi*, which permits the recruiting of natives for the Transvaal mines, and the transit trade, both of which are subject to denunciation by six months notice. How soon a definite move in this direction will be made is uncertain, but none is anticipated until the arrival of the High Commissioner from Lisbon. His departure has been again postponed, which leaves the situation still more uncertain.

The more optimistic of the local community, however, expect action within a few months. It is also reported from Portuguese sources that the scene of the conference will be Lourenço Marques. The British, however, will oppose this on the grounds that it will subject the Portuguese representatives to popular clamor, and will suggest strongly either Capetown or Johannesburg. It is problematical if the Portuguese will accede to this demand after their experience at Capetown in 1922.

Distrustful Attitude of the Portuguese.

So far the Portuguese have displayed little disposition to forget their bitter experiences of the past two years. General Hertzog's message that his government is disposed to adopt a friendly policy

-3-

policy, will undoubtedly be welcomed with relief, but somewhat discounted because spread by Mr. A.T. Long, who in 1920 on behalf of General Smuts made the unfortunate attempt to corrupt the local government into selling the control of the port and railways of Lourenço Marques, which resulted in the flight of the go-between S. Campbell-Bayard across the border and narrowly escaped causing the revocation of the recognition of Mr. Long.

None the less the feeling toward the Dutch is far more cordial than toward the British, for they are regarded somewhat as co-sufferers from British imperialism, and furthermore General Hertzog is starting with a fairly clean slate, in spite of the radical declarations of his minister Colonel Creswell in favor of the elimination of Portuguese natives from the mines. General Hertzog undoubtedly ^{is} in an excellent position to restore cordial relations, and appears to wish to do so. It will, however, take some time.

A straw in the wind is furnished by the decision of the Lourenço Marques Chamber of Commerce to participate in the general meeting of the Chambers of Commerce of the Union of South Africa this year. Last year an invitation was refused.

Portuguese Policy Regarding Native Labor for the Mines.

In the meantime, while awaiting concrete developments, the Portuguese are standing by their guns, and continuing the counter attack against the action of General Smuts in stopping the recruiting of the Portuguese natives during the months of February, March and part of April.

Under the convention recruiting cannot be stopped by the Portuguese. The Governor has, therefore, adopted the policy of rigidly enforcing the requirement that each native leaving the province be provided with an identification pass, a requirement which has for years been largely ignored in the case of the natives handled by the recruiting company.

He is furthermore requiring that the passes be issued only by the local administrators in the circumscriptions in which the

natives

-4-

natives live. The clerical staff available for this work is very limited, and for the districts involved not more than 2,500 natives a month can be provided with passes. The Governor has refused to increase the staff, and has courtly declined to permit the recruiting company to supply assistance. The result is that instead of 5,000 or more a month, which the mines now urgently require, only about 2,500 are able to go forward. The shortage on the mines is now approaching 15,000 natives, and there is no prospect of relieving it until with the change in the season, the influx of the natives from the Union of South Africa begins. The situation has serious possibilities.

Effect of the Cotton Boom.

The Governor is receiving public support from the Portuguese community, particularly the agricultural section, which has addressed to him a memorial urging still further restriction in order to assure sufficient labor for cotton cultivation, which is arousing great interest in this province. There is a general disposition after the experiences of the past few years, to be cautious about renewing the economic ties with the Union of South Africa, and a sentiment in favor of concentrating all effort on the development of the province itself, instead of living parasitically on the labor of the natives on the Transvaal mines. Cotton is thought to afford the eagerly sought profitable alternative to the export of native labor, and will be exploited accordingly.

Financial Exactions.

In line with this policy, is the effort being made by the Portuguese to increase the financial receipts from the emigrant natives. The tax of 13 shillings has been increased to 20 shillings, as reported in the Despatch of this Consulate No. 139 dated May 10, 1924, entitled "Renewal of Recruiting of Portuguese Natives for the Transvaal Gold Mines." Within the past month the

C. W.

mine

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mine authorities have been obliged to consent to collect from each Portuguese native who stays on the mines for ~~over a year~~ one pound annually, and pay it over to the Portuguese government. Hitherto it had been the practice to pay the pound for one year only. The new arrangement is something in the nature of an income tax paid by natives residing abroad, and as such is deducted from their wages. Some ~~other~~ increases have been made in other charges.

It is estimated that the increase in the emigration tax will produce at least £12,000, and the new income tax something over £50,000 annually. Some even estimate the latter at £80,000 annually. In all the increases should net in the vicinity of £75,000 of increased revenue per year, which will go a long way toward enabling the province to balance its budget.

Little Concrete Evidence of Altered Attitude.

Aside from the fact that it is very doubtful if the mines would have been allowed to make these concessions under the Smuts regime, there is little concrete evidence as yet of the good-will of the Hertzog government. There has been no increase in the number of ships visiting this port. The number for the first six months of the year was 308 as against 313 in 1923.

During the months since the fall of the Smuts government the traffic to the so called competitive zone through this port has increased from approximately 47% to 50%. Whether this is seasonal or an actual relaxation of the discrimination enforced against this port by the influence of the government of General Smuts, and the fear of trouble developing here cannot yet be determined. At all events there has been no readjustment of rates to undo what was done at the time of the last revision of rates.

Moreover Sir William Hoy, whose name is only slightly less anathema to the Portuguese than that of General Smuts, still occupies the position of General Manager of the South African

Railways,

-6-

Railways, although his prestige has been severely affected by the Durban Elevator scandals.

In general also the Portuguese are inclined to view any changes in attitude as more or less in the nature of lulls between storms. They will not readily forget the failure of the British to complete the Seaziland railway as agreed, or to live up to the terms of the Mozambique Convention of 1910 in the matter of allotting traffic to this port, or the sweep of expansion that in thirty years has carried the British northward until they have hemmed in the Portuguese on all sides, and have given evidence of cherishing designs against the Portuguese territory.

What the attitude toward a new convention will be, depends largely on the disposition of the new High Commissioner, but a very large section of the Portuguese community will be opposed to any rigid commitment binding them over a long period of years.

LOAN DEVELOPMENTS

The efforts of the High Commissioner to secure a loan in London under the authority of the act recently passed by the Lisbon Parliament are said to be progressing, but with great slowness. The local community has little expectation of his success. Whether British influence in Lisbon will permit an effort to secure funds in the United States in the event of the failure of the London negotiations, ^{is} uncertain.

The stumbling block of General Smuts has been removed, but it is not believed that the opposition of the British banks can be overcome unless guarantees are given that the hold of the Banco Nacional Ultramarino on the province be broken, and the £400,000 of its notes which the British banks bought at par and which have now depreciated 30% be redeemed at par. The political strength of the Banco Nacional Ultramarino is very great, and as yet the course of events is too clouded with rumor and uncertainty


to

-7-

to warrant an opinion. The general feeling is, however, that unless the High Commissioner secures funds in some way he will not come out to the province.

I have the honor to be, Sir,

Your obedient servant,


Cecil M. P. Cross.
American Consul.

File No. 800

DEPT. OF STATE

DEC 13 1924

Division of
Foreign Service Administration

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Dec. 18, 1924
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DEC 22 1924

Office of Economic Adviser
DEC 16 1924
DEPARTMENT OF STATE

AMERICAN FOREIGN SERVICE REPORT.

Department of State

DEC 13 1924

Division of
Political and Economic Information

DEPARTMENT OF STATE
NOV 22 1924
DIVISION OF
WESTERN EUROPEAN AFFAIRS

No. 12.

Date of Preparation, October 14, 1924.

To: Department of State.

Date of mailing, October 20, 1924.

Office: Consulate, Lourenço Marques, Moçambique, (Portuguese East Africa.)

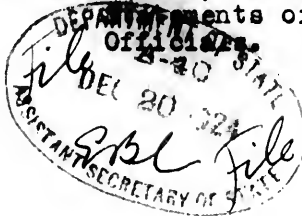
Reference to request: VOLUNTARY.

Geographical designation: Moçambique.

Schedule No. and Subject: P2530 Territory, contiguous.

Title: Increasing Cordiality between Union of South Africa and Portuguese East Africa.

Source: Local Press; Conversation with General Hertzog; Statements of local British and Portuguese Officials.



Cecil M. P. Cross

Cecil M. P. Cross,

Reference to previous reports: Despatch No. *748A.53N/2* dated August 13, 1924, entitled: Concessions to Portuguese by the Union of South Africa (File No. 800).

DEC 17 1924

DEC 30 1924

INDEX BUREAU

748A.53N/3

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Dec. 18, 1924

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DEC 22 1924

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1. Representation at Military Exercises.

Since the Despatch of this Consulate No. 169 dated August 13, 1924 (File No. 800) entitled : "Concessions to Portuguese by the Union of South Africa", there have been increasing indications of a growing cordiality on the part of the Hertzog Government toward this province. During the month of September the Union Government invited the local Government to be represented at the annual military review and exercises at Potchefstroom. The Portuguese Government accepted and sent two Captains, Vasco da Gama Rodrigues, and Henrique de Souza. These two officers not only were cordially treated, but participated in the ~~laying~~ ^{tying} of the wreath at the monument to the artillerymen at Pretoria. Since their return they have been spreading very glowing reports with regard to their visit and the changed attitude on the part of the Union Government.

Such an invitation would never have been issued by the Smuts' Government, and only recently would probably have been evaded by the local authorities.

2. Visit of General Hertzog.

Following closely on the same policy of developing friendly relations with this province, on October 11, General Hertzog himself arrived in Lourenço Marques for a very brief week end visit to the local port and officials of the local government. It would appear that this visit was more or less inspired by the representations of the agent of the Union of South Africa in this city.

3. Purposes.

The purpose of the visit was principally for information for which no other Premier of the Union of South Africa has ever taken the trouble to visit Lourenço Marques.

-General-

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General Smuts, it is true, while returning from the East African campaign passed through Lourenço Marques, but spent no time there and displayed no interest in the city.

It was expressly stipulated before General Hertzog decided to come down that there should be no political discussion, but his social contacts with the local officials were doubtlessly intended to soften the former antagonism and generally improve the relationship between the two governments.

4. Program of Visit.

Upon his arrival in Lourenço Marques, General Hertzog was met by several of the most prominent officials, and proceeded to call upon the Governor. The party then was taken on a tour of the harbor upon one of the new port tugs. There was an informal dinner on the evening of the 11th, at which, however, the Governor was unable to be present through illness.

The following day the party made a trip to Goba, which is the terminal of the Portuguese railway constructed to the Swazi-land border under the agreement with Lord Milner, which has been the cause of so much friction through the failure of the British to complete the line on their side of the frontier through to Johannesburg. The party returned that afternoon, and after a very small dinner with the Agent of the Union of South Africa, at which the Governor was also unable to be present, General Hertzog returned to Pretoria by the train on the night of the 12th.

5. Incidents of the visit.

Indisposition of the Governor: The illness of the Governor ~~as~~ might be interpreted by some as deliberate, but in as much as he accompanied the party on the tour of the harbor, and the visit to Goba as well as being present at the Station when General Hertzog left would indicate the sincerity of the illness. As a matter of fact, the Governor has been for some time

-suffering-

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suffering from stomach trouble resulting from the severity of the local climate.

Action of the German Consul: Some speculation has been created locally by the ostentatious presence of the local German Consul upon the arrival of General Hertzog at the Lourenço Marques Station and upon his departure, but the German Consul explained it on the ground on being personally acquainted with General Hertzog. The British local authorities, however, read into his action a considerable amount of political significance, and believe that it was inspired by specific instructions from the German Consul General in Pretoria.

As far as any actual results are concerned, it is not believed that this incident is of any great importance, but it has aroused a certain amount of feeling among the British representatives and on the part of the French Consul.

6. Results of the Visit.

As far as results are concerned, the visit will probably have no immediate developments. General Hertzog in private conversation expressed himself as very greatly surprised at the extent of the port development and the facilities available, saying that they were far superior to anything he had anticipated. He was also very agreeably impressed by the cordiality and courtesy of the Portuguese with whom he came in contact.

On the other hand the Portuguese seem to have found General Hertzog very cordial and sympathetic. There is no doubt that the visit has done a tremendous amount of good in removing the bitter feeling which has prevailed for almost the entire period of General Smut's incumbency of the Premiership.

Immediate developments cannot be expected for they must

-await-

-5-

await the coming of the the new High Commissioner, or a definite settlement with regard to the local government which is at present being conducted by a temporary Governor General. When it will be possible to open negotiations is, however, very uncertain, but with the changed attitude displayed by the Hertzog Government little difficulty is anticipated in coming to a mutually satisfactory agreement along the lines of the old Mozambique Convention.

7. Details of a possible Convention. *Com*

Native Labor: When the new Convention comes to be arranged among the most important items will be the question of native labor. The existing restrictions imposed by the local government, by reducing the number of natives allowed to emigrate to the number which can obtain identification passes, as explained on page 3 of Despatch No. 169 of this Consulate dated August 13, 1924, entitled "Concessions to Portuguese by the Union of South Africa" still continue. There has also been a renewal on the part of the Labor Party in the Union of South Africa in the campaign against the use of foreign natives and in favor of the increased use of white labor. In brief the existing situation is that the Union of South Africa desires if possible to do away with the Portuguese native labor on the mines, and the local government would like to see this labor utilised in Portuguese East Africa rather than emigrating to the Transvaal where it is wasting physically by diseases and injuries, and where by its absence it causes serious domestic and social disturbances in the homes, of the natives of this Province. It is generally recognised that any sudden cessation of recruiting would have very violent and distressing reaction on the province and would result in disaster for the Transvaal gold mines. Any changes along these lines must therefore be very gradual, and it is not as a matter of fact thought feasible to operate the mines without

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OFFICIAL INFORMATION.

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OFFICIAL INFORMATION.

~~Portuguese natives because of the character and limited numbers~~
of native laborers in the Union of South Africa. This point,
however, will undoubtedly be one of the most discussed in the
negotiations for the new convention.

The Swaziland Railway: Among the minor issues, it seems prob-
able that the completion of the Swaziland Railway from Goba to
Johannesburg will be seriously discussed, and very possibly
undertaken.

Transit Trade: The transit trade of the local port will
probably be continued on the present basis, although the agree-
ment covering it will undoubtedly be more formal and perhaps
for a period of years. There will also probably be a definite
allotment of the railway traffic by means of adjusted rates to
ensure a satisfactory proportion of the trade passing through
Lourenço Marques.

Free Trade: The question of free trade between Portuguese
East Africa and the Union of South Africa in the productions
of the soil and manufactures of both countries will also be
discussed at length. It is doubtful if the provision which
formerly applied under the old convention between the Transvaal
and this Province will be renewed. The opposition of the
Natal sugar growers will be very strong, and this may now also
be increased by the cement manufacturers. It is thought
possible, however, that some stipulation limiting the amount
of such commodities to a fixed number of tons per year, or
some similar feature may be agreed to, but this is highly
speculative.

Uncertainty with regard to High Commissioner: The whole
discussion of the new convention is moreover depending upon
the attitude of the new High Commissioner, Snr. Azevedo de
Coutinho whose movements seem to be veiled in great obscurity.

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-7-

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OFFICIAL INFORMATION.

He is supposed to be in London negotiating for a loan, and periodically rumors supposedly founded on private telegraphic advice are current in the city that he either is about to sail or has sailed for this province. So far these rumors have all proved unfounded, and so far as known he is still in London. Nothing is as yet known locally with regard to his attitude toward the local political situation with which he is far from familiar. This uncertainty has checked all thoughts of negotiations at present and may eventually radically alter their course.

8. Loan.

With regard to the loan which the High Commissioner is attempting to negotiate, the local press published a cable to the effect that the negotiations have been concluded, but that the date of issue of the loan has not been fixed, and will depend upon the date of the issue of the German loan.

The managers of the local British banks and the higher British officials interpret this statement as a euphemism to disguise the failure of the loan. They believe that the High Commissioner has concluded the negotiations in the sense that he has been told on what conditions he could obtain the money, but that these conditions are such that he is not able to accept them because of political considerations in Lisbon.

It is understood that these negotiations have been with the general engineering firm of Armstrong and Whitworth, and it is also understood that the stipulations on which the negotiations have been shipwrecked are the restoration of the local currency to par, thereby satisfying the claims of the local British banks which hold about £350,000 in Portuguese currency which they purchased at par, and which has since depreciated over 30%. It is also understood that certain measures are

-insisted-

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NOT TO BE PUBLISHED AS
OFFICIAL INFORMATION

insisted upon in regard to the control of the loan, and the ending of the financial tyranny of the Banco Nacional Ultramarino in the affairs of Portuguese East Africa. The Banco Nacional Ultramarino is exceedingly powerful in Lisbon, and it is believed that their influence has been sufficient to prevent the approval of any such conditions.

9. Other Negotiations.

It is also reported in the local press and substantiated by some of the local business men in possession of private sources of reliable information, that British and American interests have made an offer of Two Million Dollars to the local government for the carrying out of the development scheme in the Limpopo Valley.

This is apparently merely a repetition of the proposition made earlier in the year to the local government by the British representatives of the American Trading Company which is supposed to have the backing of a large New York Bank. It is understood that this firm may have approached the authorities in Lisbon. Apparently the High Commissioner's check in his negotiations with Armstrong and Whithworth has induced him to enter into negotiations with them. This is, however, largely a matter of supposition.

As far as local information goes none of the British banks are in negotiation for American money for this province, as indicated in the Confidential Despatch of the Department dated July 23, 1924 (File No. 853 N51/4.)

In short the entire local situation continues to mark time pending the conclusion of the negotiations in London and Lisbon, and the definite settlement of the governing power of the Province. //

In quintuplicate.

File No. 800.

DOCUMENT FILE

NOTE

SEE 748a.53q/75 FOR #2097
FROM Portugal (Dearing) DATED Oct. 8, 1927
TO NAME 1-1157 GPO

REGARDING: Difficulty between Portuguese East Africa and Union
of South Africa arising from attempt of General
Hertzog to obtain larger privileges at Lourenco
Marques.

INDEX BUREAU

748a.53n/4

Lisbon, Portugal.

No. 2097.

October 8, 1927.

The Honorable

The Secretary of State,
Washington, D. C.

Sir:

I have the honor to say to the Department that I have just been informed that a situation of some delicacy appears to have developed between Portuguese East Africa and the Union of South Africa.

So nearly as I can judge from the somewhat sketchy report of the matter that has been given to me, General Hertog recently has attempted to obtain larger privileges at Lourenço Marques, which the Portuguese authorities were unwilling to grant insisting as always that
to do

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to do so would impair Portuguese Sovereignty. In retaliation, Hertzog is said to have taken several measures (the exact nature of which I do not know) to which the Portuguese responded by refusing to permit native laborers to go to the South African mines. This action provoked a letter of remonstrance in which Hertzog is understood to have employed such menacing language that the Portuguese Central Government has ordered two warships to immediate service at Lourenço Marques.

The entire incident has been enveloped, in Portugal, in the greatest secrecy and the strict censorship has prevented any reference to it in the local press. An intimation of the difficulty was given, however, by the publication of a recent order releasing General Gomes da Costa from his exile in the Azores and the statement (subsequently categorically denied) that he would be sent to Mozambique on a special mission. It has been surmised that by this step the Government would kill two birds with one stone, since it has become suspicious of the General's activities in the Azores, and credits him with the almost preposterous plan of establishing the autonomy of the Islands and desires in Mozambique to make some show of preparation for eventualities.

Consul Doty's report of October 4, of which a

copy

-3-

copy was sent to the Department, announcing the appointment of Colonel Policiano Antonio Silva Leal as Special Delegate with extraordinary powers in the Azores, would seem to confirm the belief that the Government is uneasy with respect to conditions there, and the newspaper account, published yesterday, of the ceremony attendant upon his appointment refers to the deportation to those islands of political offenders and the consequent necessity of "restraining in the Azores the activities of disturbers of order."

The Legation will endeavor to obtain further information concerning the matter for a later report.

I have the honor to be, Sir,

Your obedient servant,

Fred Morris Dearing.

Copies to: Consul - Lourenço Marques,
Consul General - Cape Town.
Vice Consul - Louanda,
Consul - St. Michael's.
European Information Center.

Consul General, Lisbon.

P. S. In this connection please see Consul General Hellis' No. 392 of October 12, 1927.

N O T E

SEE 853P.77/4 for from Cape Town #3064
Mar.3, 1921 (Pisar) re:

Portugal urged to work in harmony
with South Africa in re to her
African possessions and to discard
retrograde system of administration
etc.

dg

748a 530/-

In Quintuplicate.

NO. 199.

AMERICAN CONSULATE GENERAL,

Cape Town, South Africa, August 15, 1924.

CONFIDENTIAL.

SUBJECT: Prospect of better relations between South
Africa and Delagoa Bay.

THE HONORABLE

THE SECRETARY OF STATE,
CONSULAR BUREAU, WASHINGTON.

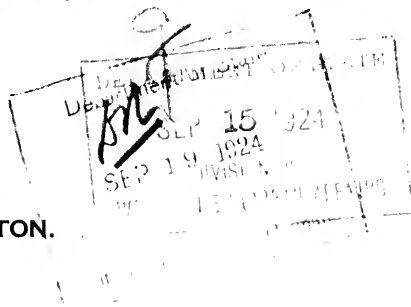
SIR:

I have the honor to report that Mr. A.T. Long, who is the Agent of the Union of South Africa at Lourenco Marques and has been acting British Consul General there from time to time, has visited Cape Town for some ten days past. He came at the special request of the new Prime Minister, General Hertzog, and he has had a conference with him as well as with others concerned with relations with the Portuguese at Delagoa Bay.

Mr. Long has informed me confidentially that he believes that a new era of better feeling with the Portuguese may now be opened. He confirms the existence among the Portuguese of the fearful attitude toward South Africa which has been emphasized in Mr. Cross's reports. For the late Prime Minister (General Smuts) Mr. Long says the Portuguese have a veritable terror. Mr. Long makes it clear that in his opinion the Portuguese have in the past been dealt with in too overbearing a manner, and that he believes that better results could be obtained by a more conciliatory attitude.

He presented this point of view to the Prime Minister and found him receptive. He explained the feeling of the

Portuguese



748 a. 53 p / 1

SEP 19 1924 A

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Portuguese toward the late South African Government and said that they had a still open, though apprehensive, mind with regard to the new Government. He thought there was an excellent opportunity to get on a better basis with them, somewhat as Ramsay Macdonald appeared to have done with the French. This suggestion seemed pleasing to the Prime Minister.

I was unable to learn from Mr. Long that anything definite was in view for the immediate future by way of new and more permanent and extensive agreements than those now existing between South Africa and the Portuguese, although Mr. Long made it clear that he thought that the existing imperfect modus vivendi should be elaborated and improved. I gathered that, when he returns to Lourenco Marques next week, Mr. Long will discreetly spread the news among the Portuguese that the new South African Government is well disposed, and that further developments will come somewhat later on when the Portuguese have been reassured and the new South African Government has had time to obtain a more thorough grasp of affairs.

Copies of this despatch are being forwarded to the Embassy at London, the Legation at Lisbon and the Consulate at Lourenco Marques for information.

I have the honor to be, Sir,

Your obedient servant,


D.C. Poole.
American Consul General.

In quintuplicate.

NO. 255.

Office of Economic Adviser
DEC 13 1924

DEPARTMENT OF STATE
Cape Town, South Africa, October 23, 1924.

Department of State

DEC 12 1924

AMERICAN CONSULATE GENERAL,
Division of

South and Central American Affairs, Cape Town, South Africa, October 23, 1924.

SUBJECT: Relations between South Africa and the Portuguese at Delagoa Bay.

DEPT. OF STATE
DEC 13 1924
Division of
Foreign Economic Administration
SIR:

THE HONORABLE

Department of State
THE SECRETARY OF STATE,

DEC 11 1924

WASHINGTON.

Division of

Political and Economic Information

Copies to Embassy.
London and Cape Town
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THROUGH
DEC 12 1924

DEPARTMENT OF STATE
DIVISION OF
POLITICAL AND ECONOMIC INFORMATION
748a.537

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DEC 17 1924
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I have the honor to refer to my despatches No. 199 and No. 223 of August 15 and September 9, 1924, relating to the development of more friendly relations between the South African Government and the Portuguese at Delagoa Bay, and to report that this development continues.

The Prime Minister of the Union, General Hertzog, paid a week-end visit to Lourenco Marquez October 11-13. It was the first time a Prime Minister of the Union had come to Lourenco Marques and he seems to have been cordially received by the Portuguese authorities. Mr. Cross has no doubt reported on the subject. The visit was described as unofficial, but will no doubt have a bearing upon the relations to be established in the future.

A Reuter despatch published in Cape Town this morning announces that the High Commissioner of Mozambique, Senor Azevedo Couthino, who has been in London, will reach Cape Town, en route to Lourenco Marques, on November 10. He is reported to have expressed great pleasure at General Hertzog's visit to Lourenco Marques and to have said that he would take the first opportunity to thank the Prime

Minister

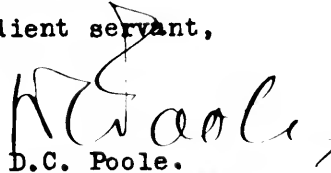
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Minister for his interest in the Portuguese colony.

The Governor General added that he was quite prepared to enter into negotiations with General Hertzog as to future relations between the Union and Mozambique.

I have the honor to be, Sir,

Your obedient servant,


D.C. Poole.
Consul General.

720.

(Copy to Lourenco Marques).

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DOCUMENT FILE

NOTE

SEE 748A.530/70 FOR Report #

FROM From Lourenco Marques (Moffitt) DATED Sept. 16, 1926
TO NAME 1-1137 GPO

REGARDING: Proposals of Chamber of Commerce of Lourenco Marques
to Congress of South African Chambers of Commerce.

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INDEXED
748A.530/3

In quintuplicate.

No. 66.

AMERICAN CONSULATE,

~~COMMUNIST~~ Lourenço Marques, Portuguese East Africa,

February 26, 1929.

SUBJECT: Relations with the Union of South Africa.

1-1055 GPO

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON
DIVISION OF WESTERN EUROPEAN AFFAIRS

SIR:

I have the honor to submit the following brief report concerning certain aspects affecting the relations of this colony with the Union of South Africa.

Ever since Lourenço Marques took its place as the natural outlet for the Union of South Africa with the construction of the Ressano Garcia line to the Transvaal border in 1890, there has been a constant fear among the Portuguese that the time would come when commercial absorption of Moçambique by the Union would be followed by annexation.

At times the grounds for such fear have not been without foundation. Under the original Moçambique convention of 1909 affairs between the two countries continued smoothly until attempts were made to renew this convention in 1922. In return for an adequate labor supply for the Rand mines, the Union was to allocate 50 to 55 percent of the incoming traffic of the Transvaal area to Lourenço Marques. Negotiations

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INDEX BUREAU

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no. 746
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fell through over the question of control of the port. The Smuts Government at that time made such demands on the control of the port as to be considered by the Portuguese as an open policy of annexation. In Lourenço Marques schemes were afoot to bribe the authorities into securing the ownership of the port works by forming a company with British capital. It is alleged that negotiations fell through because the price at which certain influential Portuguese had been approached to sell their patriotism had been misjudged. The hand of the Smuts Government was clearly seen in these attempts to secure a foothold, thereby incurring for the South African Party distrust and bitterness on the part of the Portuguese.

This tense feeling between the two countries continued with the modus vivendi in 1923 when the old convention, except that part dealing with native labor, was terminated.

With the advent of the Nationalist Party in 1924 attempts to negotiate a new convention failed until the present Governor General, Colonel Cabral, visited Cape Town in March 1928. This resulted in the present convention later in the year. The Nationalist Government by this appeared to have assumed a less high-handed attitude than the Smuts Government and gave satisfaction to Portuguese sovereignty. Indeed, the Portuguese found in the Nationalist representatives chosen to draw up the

-convention-

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negotiators of distinctly second class over whom they were able to secure a signal victory. It is therefore quite natural that at present the Portuguese look with favor on the Nationalist Party and by the same token would regard with suspicion the advent of the South African Party at the coming elections. General Smuts has already come out against the labor clauses of the present convention and advocates the independence of the Union from the inadequate supply of Mozambique natives as laid down by the convention. The South African Party have taken up the cry against the convention that it is unfavorable to the Union and that the Portuguese secured the best of the bargain.

Meanwhile South Africa interests are continually reviving the possibility of annexing the port. It has been learned on excellent authority recently that a scheme for the eventual annexation of Lourenço Marques was considered by a group of South African business men. A large number of South Africans were to take up their legal residence in Mozambique, raise the flag of revolt and hand over the country to the Union. A South African Party member of the Union Parliament was included among the promoters of this plan. *where?*

While such schemes cannot be regarded seriously, they nevertheless constitute a menace to the Portuguese and prevent what might be more open relations between the two countries.

At the time of writing, a large part of the good feeling produced by the convention appears to have been lost. A South African magnate on a recent visit here

-disclosed-

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disclosed how antagonistic Rand interests are to the terms of the convention. Although these constituted a working agreement between the two countries, the problem of their application appears far from solved. The taking over ^{of} the loading and landing at this port by the Government has resulted in delays in expediting cargoes which has had the effect of increasing freight rates from April 30, thus further complicating the situation with regard to transit traffic to the Union.

The expected visit of the Governor General of the Union, the Earl of Athlone, to Lourenço Marques in June should be extremely beneficial to good relations and understanding between the two countries. There is no doubt that two peoples could not be more different than the Portuguese and the South Africans. Fear of aggression by the former and a lack of any attempt to understand the Portuguese by the latter have kept them at loggerheads.

In all their relations it must be remembered, however, that the greatest guarantee of independence which this colony enjoys is that any aggressive action on the part of her Union neighbour or any other power would be received unfavorably by Great Britain, who, as the oldest ally and protector of Portugal, would rather have Moçambique kept to her than under the authority of a dominion. The British Foreign Office would undoubtedly view with alarm such a strategic point on the Suez^h to India route being in the hands of any but Portuguese.

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I have the honor to be, Sir,

Your obedient servant,

Eugene M. Hinkle

Eugene M. Hinkle,
American Vice-Consul in Charge.

4 Carbon Copies
Received *[Signature]*

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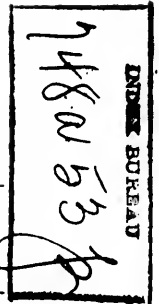
Copies sent to Cape Town and Lisbon.

EMH/FAR.

DOCUMENT FILE

NOTE

SEE 748a.53p/4 FOR desp. #66
FROM Lourenco Marques (Hinkle) DATED Feb. 26, 1929
TO NAME 1-1157 ...



REGARDING:

Annexation of Mocambique by the Union.

Ever since Lourenco Marques took its place as the natural outlet for the Union of South Africa with the construction of the Ressano Garcia line to the Transvaal border in 1890, there has been constant fear among the Portuguese that the time would come when commercial absorption of Mocambique by the Union would be followed by annexation. Grounds for fear not without foundation.

In quintuplicate.

No. 98.

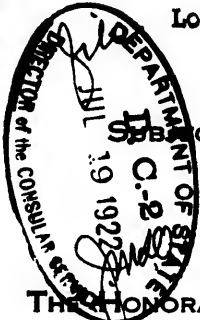
JUL 19 1922 W. P.H.

AMERICAN CONSULATE GENERAL,

Lourenço Marques, Portuguese East Africa,

May 13, 1922.

SUBJECT: Portuguese-Swaziland Boundary Dispute.

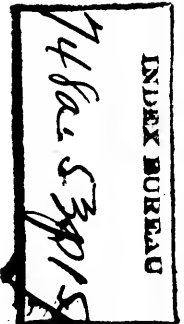
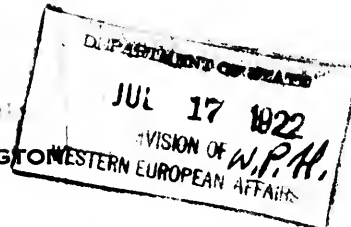


Department of State,

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON



SIR:

[Referring to the Department's Instruction of January 13, 1921, relating to political and commercial matters of importance to this country, I have the honor to state that] it is reported that the Joint Commission appointed to enquire into the Portuguese-Swaziland boundary dispute has recommended a compromise on the points at issue.

As of possible interest to the Department, the following quotation is taken from a recent issue of the Lourenço Marques Guardian.

"A restatement of the facts, as recently published in an article in the London 'Times' from a South African correspondent, goes to show that about the year 1893, as a result of the arrangement made between the British and Transvaal Governments in regard to Swaziland, the boundary between Swaziland and the Transvaal Republic and Portuguese East Africa was defined in accordance with the decision of the Joint Commission of 1888, which consisted of representatives of the British, Boer, Swazi and Portuguese Governments.

"The Commission laid down the general principle that the 'summits of the ranges of the Lebombo Mountains nearest to Portuguese Territory' should form the boundary. The Portuguese authorities, ignoring this general principle, drew a diagonal line across the Lebombo Mountains, thus cutting off from Swaziland a triangular area some 80,000

DEPT. OF STATE
JUL 19 1922
ACKNOWLEDGED

BY James E. Trimles DATE 7/21/65

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acres in extent. President Kruger's Government declined to accept this line, and protests were lodged by private owners whose rights were affected. No definite action was taken by either side till the outbreak of the Anglo-Boer war in 1899, when the Portuguese authorities, taking advantage of the conditions, created a military post on the area, which they well knew was disputed, and in spite of the fact that some of the private owners had an established coffee plantation on the disputed ground.

"After the conclusion of the war, the Swaziland Concessions Commission, appointed by Lord Selborne, caused a general detailed survey of the whole country and of the concessions boundary to be made, and the question of the Portuguese boundary again rose. Lord Selborne sent an experienced surveyor to make a detailed topographical survey of the disputed area. The survey showed conclusively that a large area, as already stated, was improperly in the occupation of the Portuguese authorities. On this Lord Selborne appointed a Commission to confer with the Portuguese authorities, with the result that a compromise was come to by which the Portuguese were to retain a large portion of the area provided that compensation be made to private owners who might suffer any loss in consequence. This was in the year 1906. The Portuguese, however, never implemented this agreement, and continued in full occupation.

"When the boundaries were first fixed, a question of 60,000 acres more or less would have seemed too trifling to bother about, but things have altered, and this piece of land has now a big value. It is the nearest healthy country to Delagoa Bay, being about 1,800 feet above sea level and always delightfully cool and free from fever. The Portuguese Government have been for years, it is said, steadily preparing to make the district in question known as Namahacha the summer health resort for the people of Lourenço Marques. A splendid motor road has been constructed, and in little more than an hour the townspeople and officials can be away from the hot nights and mosquitoes of the Bay. At the present time a township has been laid out and town lots sold. There is an orphanage, and a very large stone building is in course of erection for a sanatorium. A summer residence for the High Commissioner has been planned. There is a very good hotel and general store, while a number of settlers have made plantations of citrus and other fruits, and all on territory which is claimed to be British.

"The private owners concerned, who are all British subjects, have constantly made protests, and have kept the Imperial Secretary informed of all developments. After the conclusion of the European War Lord Buxton was successful in getting a Joint

- 3 -

Commission appointed from London and Lisbon, and at that Commission's sittings a Transvaal representative attended and watched the proceedings on behalf of that Province. This Commission assembled at Namahacha during July, 1921, and due notice was given to private owners, who at some trouble and expense attended. They urge that the larger part of the area affected is Crown land, but that it has been left entirely to private owners to continue the struggle for their rights without any assistance."

There is also enclosed herewith newspaper clipping, in quintuplicate, which is a reply to the above article, but no responsibility may be assumed for the contents thereof.

I have the honor to be, Sir,

Your obedient servant,

Samuel H. Souther,
American Consul.

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Enclosures: Newspaper clipping,
in quintuplicate.

Enclosure with despatch
No. 98, dated May 13, 1922.

READERS' VIEWS.

PORTUGUESE-SWAZILAND FRONTIER.

To the Editor of the «Guardian».

Sir,—An article in your issue of the 2nd May, headed "Swaziland Boundary Dispute," a portion of which is taken from the London "Times," is very misleading to the Governments and public, and needs, in the interest of those concerned, some correction.

The South African correspondent of the "Times" states inter alia that as a result of the arrangements made between the British and Transvaal Governments in regard to the Swaziland-Portuguese boundary the Commission of 1888 laid down the general principle that the summits of the ranges of the Lebombo Mountains should form the boundary, but the Portuguese authorities, ignoring this principle, drew a diagonal line across the Lebombo Mountains, thus cutting off from Swaziland some 60,000 acres.

This distinctly infers that the Portuguese cut the diagonal line to the Swaziland side of the summits, whereas the boot was on the other foot, as the Swazilanders pushed the Portuguese from the summits to the foot of the eastern slopes, thus forming an obtuse angle which contains the 60,000 acres mentioned above, and which rightly belong to the Portuguese.

The Lebombo Mountains run in a line north and south, through vast flats of malarious country, and form a natural and well defined boundary between the different countries, and these were taken advantage of by the Transvaal Government, who took the summits on which to beacon their frontier as the Portuguese border, thus establishing a precedent. The Swaziland Government adjoining should have followed the same course, as the summits form the watershed, which fall east and west. What could be clearer?

The world knows that the late Swaziland king, Umbandine, sold his country to concessionaires for a "mess of pottage," and that the concessions overlapped each other in great confusion, and, when in a merry mood, he claimed all land to the sea—but this did not establish his right to it, much less for concessionaires to define it. However, in their attempt to do so they have caused commissions to spend more money during the past 34 years than the disputed land was worth, to say nothing of the difficulties and the

On the declaration of war the Portuguese moved up a few men to a similar position on their side of the border, or stone beacon, where they have established themselves since.

There were no coffee plantations (except an attempt at one on the Swaziland side, which never developed), and there was no protest against occupation. The white war fugitives from Swaziland came over the border and remained under the protection of the Portuguese for the duration of the war; and from these fugitives sprang the Namahacha of to-day, in the disputed zone. Some of the British fugitives got titles of land from their Portuguese protectors, and are still here. These are content, and have never approached the British Government, nor have they any desire to become locked in between a Portuguese frontier and an isolated native reserve in an unoccupied corner of Swaziland 30 miles from the nearest white police station, as would be the case in the event of the disputed zone falling to Swaziland. I would here draw attention to the fact that all claims and petitions to the British Government, as mentioned by the "Times" correspondent, must have emanated from the Swaziland concessionaires or their influenced friends, none of whom have ever built a grass hut in the disputed zone to establish their claim through the 34 years of the dispute, though they have well known that "possession is nine points of the law." And it is possible these are also the people who have made constant protests and kept the Imperial Secretary informed of developments.

Of the 60,000 acres in dispute, owing to the scarcity of water and the general rocky nature of the country, only the northern part, Namahacha, is occupied, being the only plateau suitable for a health resort and sanatorium for the population of Lourenço Marques, of whom many are British. Surely occupation of land for a quarter of a century establishes owners' rights, to say nothing of the many thousands of pounds that have been spent by the Portuguese Government and the present owners to bring Namahacha to its present development.

Our land as Portuguese territory is valuable, seeing we have a lovely road to a direct market; but as a part of Swaziland the land is valueless, and we petition against it, and ask that our rights be protected.

If, in the negotiation of the new treaty between the Union and Portuguese Governments, some compromise becomes necessary, I would then most respectfully suggest that

The world knows that the late Swaziland King, Umbandine, sold his country to concessionaires for a "mess of pottage," and that the concessions overlapped each other in great confusion, and, when in a merry mood, he claimed all land to the sea—but this did not establish his right to it, much less for concessionaires to define it. However, in their attempt to do so they have caused commissions to spend more money during the past 84 years than the disputed land was worth, to say nothing of the difficulties and the depreciation of land value sustained by the present occupiers and rightful owners.

Maps are very misleading and never give the clear observation as seen by the human eye, but had the Swaziland concessionaires been content with the precedent placed before them on the same range by the Transvaal Government, there would be no zig zag line or obtuse angle as that forming the present dispute. This would have saved the most bitter feeling for years, and Lourenço Marques would have an established health resort served by a railway instead of the present position with all development stopped.

The "Times" correspondent talks of a compromise. Why? There is only one summit, and the Transvaal Government has defined it. Be British and take Mr. Lloyd George's advice—"Stop snarling." There is more than enough trouble on boundaries in Europe.

The "Times" correspondent states that at the outbreak of the Anglo-Boer war in 1899, the Portuguese authorities took advantage of the conditions and created a military post on the area, which they well knew was disputed, and in spite of the fact that some private owners had established a coffee plantation on the disputed ground. Surely the Portuguese had as much right as the concessionaires seeing they both claimed the ground? But this is not true in the way it is put; and the truth is this: Long before the Anglo-Boer war the disputed frontier was known to the whites as No-man's-land, and through this runs the rough transport road from Bremersdorp, the then capital of Swaziland, to Pescene railway station, Portuguese territory. On No-man's-land, Namahacha, were a few isolated white squatters, who, with the natives, recognised the large stone beacon placed near the road on the summit by a former commission as the frontier, and the natives on each side paid their taxes to the respective Governments. All and sundry for the past 80 years have recognised this summit as the boundary.

When the Boers were preparing for a declaration of war in 1899 some Boer Swaziland police were sent up to the frontier, Namahacha, and they pitched their camp some 800 yards on the Swaziland side of the stone beacon, and on their withdrawal the position was subsequently occupied by British troops—thus showing both recognised the boundary.

lands of pounds that have been spent by the Portuguese Government and the present owners to bring Namahacha to its present development.

Our land as Portuguese territory is valuable, seeing we have a lovely road to a direct market; but as a part of Swaziland the land is valueless, and we petition against it, and ask that our rights be protected.

If, in the negotiation of the new treaty between the Union and Portuguese Governments, some compromise becomes necessary, I would then most respectfully suggest that the northern part, which we have developed remains to the present holders, and the two-thirds undeveloped on the south, which is distinctly divided by the Colishan stream, goes to Swaziland.—Yours, etc.,

W. FITCHETT.

Hampton Lodge,
Namahacha.

~~CONFIDENTIAL~~

No.

AMERICAN CONSULATE GENERAL,

LISBON, PORTUGAL.

7480.539
INDEX BUREAU

Rec'd

E
MAR 7 1921

February 4, 1921.

SUBJECT: Relations Between the Union of South Africa
Dept. of State and the Province of Mozambique.

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON MAR 8 1921

SIR:

I have the honor to refer the Department to the events leading up to the taking over, by the Portuguese authorities at Lourenço Marques, some thirty-two years ago, of the so called "Delagoa-Bay Railway" the construction of which had been undertaken under a concession granted to a certain Col. Mac Murdo, an American citizen, but the actual ownership of which was passing into British hands, and to mention, what the Department probably knew at the time, that in taking the steps they did in this matter, the Portuguese acted under the inspiration and encouragement of President Kruger, who was a far seeing and astute statesman. He saw that all of the railways which were being constructed from the various sea ports of Cape Colony and Natal would be under the control of Great Britain and he considered that for political reasons and as a means of enabling him better to safeguard the independence of his country, it would be absolutely essential to have at least one railway line from his country to the sea coast which was not under British control.

In order

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In order to checkmate President Kruger, Cecil Rhodes and his associates were continually intriguing to detach the Lourenço Marques district from the Province of Mozambique and to bring it under the British flag.

The Portuguese Government, which feared and distrusted Cecil Rhodes, was kept ever on the alert until his death, to safeguard its interests in Mozambique, which it considered seriously menaced by British imperialistic designs.

The political situation in South Africa has completely changed during the past thirty years. Then there was the powerful British imperialistic element, led by Cecil Rhodes, which wished to bring all of South Africa below the Equator under the British flag.

Now, there exists in South Africa a spirit of South African nationalism which is increasing as each year passes, and bids fair to submerge the spirit of British imperialism which has since the conclusion of the Boer War been dominant in that country. In other words, South Africa, as a whole, is beginning to think of itself as a nation and not as a dependency.

This evolution, which is being very carefully watched by Portuguese statesmen, is giving some of the far seeing ones considerable concern, for, to their minds, the old British imperialistic menace to their Africa Colonies, has been supplanted by the South African menace.

Not that they think that the Union of South Africa will ever endeavor to acquire any of Portugal's possession by force, but because they are beginning to fear that, at some future time, existence in the Union will appear in such an attractive light to the inhabitants of Southern

Mozambique

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Mozambique that they will voluntarily choose to throw in their lot with their more powerful and prosperous neighbor.

Some twenty-five or six years ago, as the writer at the time brought to the attention of the Department, a Portuguese newspaper prophesied that "the day the British flag comes down in South Africa the Portuguese flag will come down also".

It is believed here in official circles that before the War there was some sort of an understanding between Great Britain and Germany as to the eventual disposition of the Portuguese possessions in Africa, but it is not believed now that England has any present designs on those provinces.

In an emergency newspaper called "A IMPRENSA DE LISBOA", which is being published by the striking printers, in the January 29, 1921, number, there is a long and circumstantial article dealing with the perils of an alleged South African propaganda for the annexation of the District of Lourenço Marques to the Union of South Africa, in which it is alleged, the propagandists have had placed at their disposal by South Africa the sum of fifty thousand pounds. Be that, however, as it may, I think that it is generally admitted by those who understand the Portuguese in South East Africa that while any proposition that they should throw in their lot with their South African neighbors, while the latter live under the British flag, would be strongly rejected, a similar proposition from a neighboring state under a free republican government would receive a not unsympathetic reception.

Thoughtful and earnest Portuguese statesmen, recognize
these

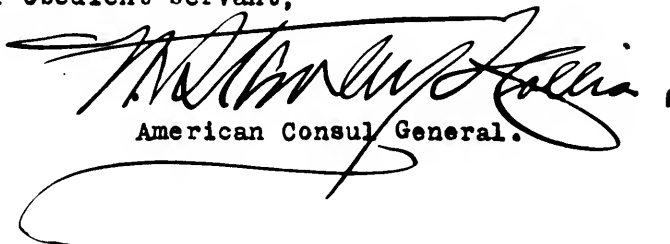
-4-

these conditions, even if ordinary politicians do not; they know that they can no longer hope to hold their overseas possessions by force of arms and that the wisest and safest course to pursue is to make their condition so attractive under Portuguese rule that the inhabitants of these overseas possessions will prefer to remain as they are, under the Portuguese flag.

The wisest statesmen in Portugal believe in giving the largest measure of autonomy to their African provinces while at the same time doing everything possible to strengthen the ties, commercial as well as political, which bind them together. The home Government has recently appointed two of its most capable administrators, with large powers, to be high commissioners of Angola and of Mozambique, and the results of their efforts to give a wide measure of self government to and to increase the trade and commerce of these provinces will be watched with interest.

I have the honor to be, Sir,

Your obedient servant,


American Consul General.

File No. 801.4.

Political.

WSH/MS.

INDEX BUREAU
Rec'd

JUN 2 1921

Dept. of State.

AMERICAN CONSULATE GENERAL,

LISBON, PORTUGAL.

April 23, 1921.

SUBJECT: Political Conditions in South Africa
Which Affect the Portuguese Colonies.

Copy to Commerce

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON

Sir:

[I have the honor to refer to my despatch of February
fourth (File No. 301.4) entitled "Relations Between the
Union of South Africa and the Province of Mozambique",
and to report that] an old friend of mine who had a con-
siderable fortune in Africa at the time I was stationed
at Lourenço Marques, and (what is remarkable) who has
managed to keep his fortune intact and is now intending
to thoroughly investigate the agricultural possibilities
of Angola, with a view to buying there a large farm for
his son, has written to me from Cape Town as follows:-

Cape Town, March 31, 1921.

My dear Hollis:

"As Smuts has a large working majority - the Unionist
and the South African party having combined as you will
know - the country will undoubtedly benefit by it, as is
"recognised generally. The Freestate only voted "National",
"as far as I can understand and was told by people, who

know

DEPT. OF STATE

JUN 21 1921

ACKNOWLEDGED

-2-

"know, there is a feeling of relief, that the political
"situation is thus cleared. If the recent election had
"gone in favor of Herzog, I am afraid the future of the
"country would not be so bright. There are, of course,
"ups and downs. The present financial position is not
"good, owing to the impossibility of selling produce and
"the high prices at which imports have been made and
"many firms are overstocked. This will right itself in
"time, but I am afraid not without some firms and farmers
"going under. But the country is sound financially and
"politically; this as far as the Union is concerned. In
"Lourenço Marquez, the exchange was 43000 reis to the
"pound when I left. It was not expected to go any more,
"on the contrary great hopes existed, that the new Gov-
"ernor, who has meanwhile arrived would take steps to
"put the currency on a better footing. I believe the
"Managing director of the Banco Ultramarino came out
"also. How it was to be done nobody could tell. The
"tramways feel the bad exchange especially, as the fare
"is in Portuguese money, all paper down to 50 reis
"equal to about a farthing. The trams are always full,
"everybody rides and a full load is not more than 2/-
"in English money.

" I had an interesting chat with Dr. Engelenburg, of
"Pretoria at Delagoa Bay. He was at the Peace Conference
"with Botha and Smuts, his brother, an engineer in the
"Dutch Indies, was with him on a visit to the Bay. We
talked

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"talked coconuts and copra and compared the labour and
"conditions generally between Africa and Sumatra and Tara.
"In view of what he told me, I am afraid that East Afri-
"ca will not be able to compete. In Sumatra, he said,
"trained monkeys fetch the ripe nuts down, this may be
"somewhat stretched, but the nuts are carried by water
"to the mills and pressed, and the oil is sent to Europe
"in tank steamers ; and they have a native population of
"40 millions. How can Africa compete in the old fashion-
"ed way of sending the copra and besides not having the
"facilities, even, if the Dutch ways stand out as an ex-
"ample of what should be done.

" My intention was to go from here to Angola, but I
"want my son to see the country and I will take him out
"next year during his long holidays; he would have to
"live there eventually.

" Lourenço Marquez is progressing fast; I was quite
"astonished to see so much progress. I was not there
"for 9 years."

My friend, I may add, is a naturalized British sub-
ject but of an entirely non-British ancestry; in fact, he
is a distant cousin of the late Admiral Schley, but he,
and many others like him, who have investments in the
Portuguese Colonies and other parts of South Africa, do
not consider themselves as being allied with British

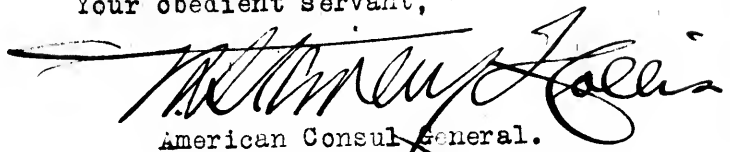
financial

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financial interests in those countries. They form a class quite apart from the imperialistic British investor who always has a penchant for mixing foreign investments with politics and is always prone to call for the support of his Government when anything goes wrong.

I have the honor to be, Sir,

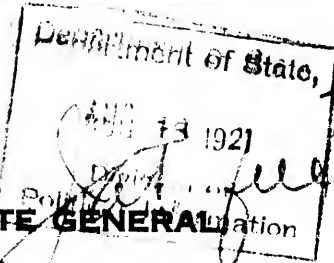
Your obedient servant,


American Consul General.

File No. 801.4

WSH/FW

No. 215



AMERICAN CONSULATE GENERAL

LISBON, PORTUGAL.

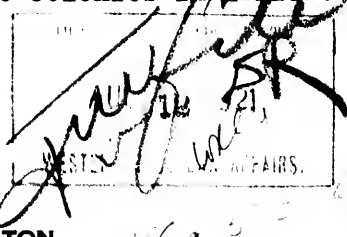
July 7, 1921.

SUBJECT: Relations Between the Union of South Africa
and the Portuguese Colonies in Africa.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.



SIR:

I have the honor to refer to my despatches No. (un-numbered "Confidential") of February fourth, and No. 148 of April twenty-eighth, 1921 (File No. 801.4) on the subject mentioned above, as well as to my despatch No. 201 of June twenty-first, 1921, entitled "British Investments in Portugal and its Colonies" (File No. 851), and to report that great interest is being taken by serious minded Portuguese in the Conference which is now being held at London between the leading Ministers of the British Government and the Premiers and delegates of the large self-governing British Colonies.

According to the newspaper reports concerning this Conference, which have been received here in Lisbon to date, the Colonial delegates have from the beginning adopted a very strong attitude, demanding the right of their respective States to participate as equals with

Great

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Great Britain in all future arrangements with foreign powers which may directly or indirectly have a bearing on, or affect the attitude of, these great British dependencies.

Many competent observers have during the past few years, and especially since the Armistice, called attention to the fact that the spirit of nationalism was steadily growing in these Dominions, which no longer consider themselves as subordinate parts of the British Empire, but as full and equal partners therein with Great Britain itself. This spirit of nationalism is particularly marked in South Africa, and this is causing considerable anxiety to serious minded Portuguese who take an interest in and appreciate the difficulties confronting Portugal's African possessions.

They feel that the time is rapidly coming when the Union of South Africa will find itself strong enough to handle all questions relating to South Africa directly with other interested States and not through the Foreign and Colonial Ministries of London, as has heretofore been the case, and that Portugal must be prepared, in the perhaps not distant future, to listen to some serious propositions from the South African Government concerning Portugal's African Colonies.

There are many incidents connected with the expansion of the United States in the first few decades after the Revolution which one finds being repeated in South Africa during

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during the past thirty years.

Thirty-two years ago when the writer first arrived in Cape Town, where for nearly two years thereafter he was employed in the American Consulate at that place, he found that the Limpopo River marked the Northern limit of the white man's expansion in that part of the Continent. South of the Limpopo, Dininzulu, the head chief of the Zulus, had been a thorn in the sides of the white man, but at about that time his power was smashed and he himself, in 1890, was captured and sent as a prisoner to St. Helena.

There then remained two powerful native chiefs, each backed by a large army of fairly well disciplined black savages - Lobengula, in Matabeleland, and Gungunhana, in Gazaland.

The old back-veldt Boers, who felt themselves crowded when they could see the smoke from the chimney of their nearest neighbor, were already making preparations to trek across the Limpopo into the practically unknown country beyond, but they were forestalled and checkmated in this scheme of expansion by the action of Cecil Rhodes, who formed what commonly became to be known in South Africa as the "Chartered Company" for the express purpose of acquiring, for the British Crown, these lands which lay to the North of the Limpopo. Part of this tract of land, that is lying between the Province of Mozambique, on the East Coast, and the Province of Angola, on the West Coast, had long been claimed by Portugal, by right of prior discovery, as

-4-

covery, as Portuguese, but it had never been occupied by the Portuguese who were never strong enough to hold it in opposition to the armed resistance of the native tribes.

Cecil Rhodes and his fellow imperialists, who at that time treated the Portuguese with scant respect and who continually cast covetous eyes on Portugal's possessions South of the Zambezi, disregarded all of Portugal's protests, and in this he was supported by the Government at London. In consequence the relations between Great Britain and Portugal became considerably strained, more especially after the raid on Massi Kessi by the Chartered Company's Police, when Colonel Piava d'Andrade was made a prisoner by them, and remained in that condition until after the Boer War.

In the few years that followed the occupation of the trans-Limpopo country, the Chartered Company completely broke the power of Lobengula and destroyed his army, while the Portuguese did the same for Gungunhana.

During the next two decades, the British and South Africans, who had been merged through the results of the Boer War, carried their conquests of African territory up to the southern shores of Lake Tanganyika, and here, for the remainder of that period, they were forced to stop, as their new territories were now brought right up to the frontiers of what were fully recognized to be the possessions of Germany, Portugal and of the Congo Free State.

Durban, in Natal, thus became the most Northern British port

BY James E. Trimble DATE 7/21/65

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ish port on the East African Coast through which British traffic, even from North of the Zambezi, could pass to the sea, and a feeling began to spread that the Portuguese Colonial ports of Lourenço Marquez (erroneously called "Delagoa Bay" by many people) and Beira, through which a great part of the traffic to and from the Transvaal and Mashonaland and Matabeleland to the sea, was beginning to pass ought, politically, as they did geographically, to form an integral part of South Africa; but all efforts on the part of the South Africans to acquire these ports were consistently and systematically frowned upon and discouraged by the London Government, to whom the question of keeping on good terms with Portugal, which possessed the only good naval harbor on the route between the English Channel and Gibraltar, was of far greater moment than satisfying the South African longings for expansion, and in this the London Government was right. It would have been nothing less than a calamity for Great Britain had ante-War British politics estranged Portugal and caused it to fall under Teutonic influence, as, if such had happened, Lisbon would have been an enemy port during the Great War.

But to-day, conditions have entirely changed. Imperial Britain takes less interest in Portugal than ever and seems disposed to let this country work out its own salvation without any British aid in the future.

In the meantime the relations between South Africa
and the

v6-

and the Portuguese Colonies are becoming closer and more complicated, and the feeling in the former state now is that it is as essential for South Africa to secure the possession of the Portuguese East African ports, as it was for the early pioneers in Western Pennsylvania, Ohio, Kentucky and Tennessee to secure the possession of the mouths of the Mississippi.

That the thinking Portuguese fully appreciate the problems which are going to arise for their solution in Africa is shown not only by what people say in discussing these matters, but also by articles which frequently appear in the Portuguese newspapers, of which one, which appeared in the June thirtieth number of the "DIARIO DE NOTICIAS", is significant, and which is quoted below:-

MOZAMBIQUE THREATENED.

" At the Conference which is now being held in London, the chief representatives of the British Colonies are discussing the renewal of the Anglo-Japanese Alliance, the relations between Great Britain and the United States, and several other questions.

At the first meeting the Representatives of the British Colonies were unanimous in expressing their sympathy and friendship to the United States, and they made a decision to participate, in future, in the decisions of England in regard to international politics, each of the Colonies having its diplomatic representation in certain countries and operating the internal questions in accordance with

England

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being
England, but without dependent upon it. It is apparent that since England's hold upon her Colonies is rapidly decreasing, she cannot but favorably accept these representations, and it means that, in future, it is not sufficient to only have the protection, the sympathy and the support of the Foreign Office at Downing Street to be on good terms with the British Empire.

The Portuguese interests do not clash in any way with the English ones, but the same cannot be said in regard to its Colonies. When the Peace Conference met in Paris, the representatives of the South African Union did not attempt to conceal how advantageous the possession of Lourenço Marquez would be to their country. At the same time, England gave proofs of sympathy and friendship to Portugal, but such a sympathy and friendship is not enough to prevent colonial controversies, as she is not strong enough to enforce her will against all her Colonies.

In short, it is very important that something should be done on behalf of the Portuguese over-seas Colonies, and it is for that purpose that High Commissioners have been sent there. This alone, though, is not sufficient.

In the future the British Colonies will participate in international politics and they will work almost as independent nations. So, in future, if Portugal has any conflict with them, England, whether she likes it or not, will have no say in the matter.

It is therefore necessary for Portuguese diplomacy to pay the utmost attention always; to be convinced that English alliance is not sufficient to avoid any calamity in the future. It must adapt itself to the circumstances,
trying

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trying to give all guarantees to the Colony, without forgetting old compromises."

At the present time the Premier of the Union of South Africa, who, by the way, is one of the most enthusiastic supporters of the League of Nations, appears to be Imperialistically inclined and would not, while he remains in this frame of mind, countenance any move on the part of his people which would be calculated to embarrass either Great Britain or its old ally; but General Smuts, who is somewhat an enigma to his old friends of over twenty years ago, may change his mind again.

It is well remembered that when he was Attorney General in President Kruger's Cabinet and was afterwards a general in the Boer Army his sentiments were certainly Anti-British. The Transvaal Government publication entitled "A Century of Wrong", copies of which were sent by me to the Department either late in 1899 or early in 1900, was written by him in collaboration with Dr. F. W. Reitz, formerly President of the Orange Free State, then State Secretary of the Transvaal, and now President of the Senate of South Africa, and a perusal of this might prove to be interesting reading at the present time.

The party of General Smuts lately won out in an election which he had forced upon the country, but he may not be able to carry a majority of the voters with him the next time. A great deal will depend upon the attitude taken by him at the present Conference in London.

But if

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But if General Smuts and his party do not take up this matter of trying to acquire some of Portugal's African possessions, it seems almost certain that it will be taken up by a following Government.

The writer believes that South Africa has every desire to deal justly with Portugal in these matters and that it will offer Portugal sufficient compensation for any cession of territory that may be brought about through mutual consent, when this time comes, which may be in the far distant future, or may come sooner than anyone expects it to.

In considering this matter it must be borne in mind that through differences in customs and manners of living the number of white children born to Portuguese parents in their African Colonies is very small indeed. The birth rate of strong and healthy white children in the Union of South Africa is, on the other hand, quite high. The natural increase of the population plus its increase from immigration makes it just as necessary for South Africa to expand its boundaries as it was for the United States to win the West during the early decades of the past century. The hope of all people who wish well for both the Portuguese and South African people is that this coming expansion in South Africa will be peacefully accomplished.

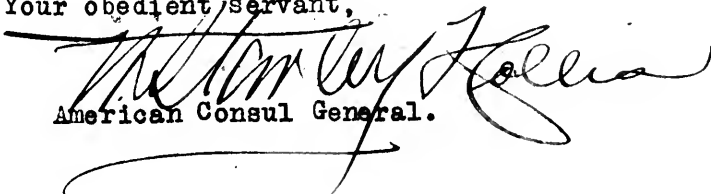
Trusting that these few remarks by one who has given
this

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this subject much study during the thirty-two years he
has been in the Service,

I have the honor to be, Sir,

Your obedient servant,


American Consul General.

File No. 801.4

WSH/FW

INDEX BUREAU

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AUG 01 1921

Dept. of S.

No. 219.

AMERICAN CONSULATE GENERAL

LISBON, PORTUGAL.

July 19, 1921.

SUBJECT: Relations Between the Union of South Africa
and the Portuguese Colonies in Africa.

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THE HONORABLE

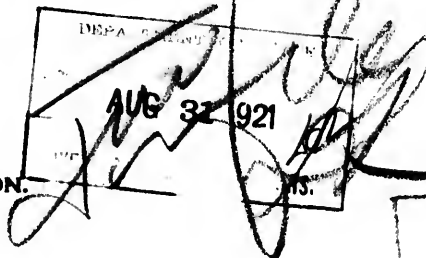
THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to my despatch No. 215 of the seventh of July, 1921, on the subject mentioned^{above} and to report that in the "Diario de Noticias" of July 12, 1921, there is an additional article on this subject, in which the writer calls attention to the intervention of General J. C. Smuts, the Premier of the Union of South Africa, in the Irish Question. The writer looks upon this as an indication, first of all, of the weakness of the present British Government which, so far, instead of improving the situation in Ireland has only aggravated it; and secondly, as evidence that the said Government has lost a considerable amount of prestige with its Colonies on this account, as a certain amount of humiliation is implied by its calling in of a Colonial statesman to settle a problem which has so far baffled the best and wisest men who for many decades in the past have not only controlled the destinies of the British Empire, but have even presumed during the last century to

first



748a.538/3
SEP 21 A

-2-

first dictate to the Colonies and later on to change their attitude and simply offer advice.

This article in the "Diario de Noticias" goes on to state that

" the Government at London is weak and altho
" it does not confess to be, it evidently
" shows its inefficacy in the problems that
" affect the force, the unity and the prestige
" of the British Empire, and the Dominions are
" coming to its assistance. You may say, this
" is logical, and even worthy of commendation,
" but I ask: how can the English Government in
" London in the future be against anything that
" one of the Dominions may wish to do, if they
" really wish it?

How was General Smuts's intervention in
" Ireland decided? The officials were not yet
" authorized to confirm this intervention. Was
" it requested by Lloyd George? It is not pro-
" bable. Was it suggested by the General? It is
" believed so. And in this last supposition how
" do they explain that the Government has immedi-
" ately accepted this mediation, which is at
" bottom, a little humiliating for the self-
" respect of the English people? In the first
" place the desire to settle, as soon as possible,
" the Irish Question, employing for this purpose
" all measures possible on the part of the English
" Government, is evident and comprehensible to all.

The

-3-

" The situation in the neighboring island
" has not been improved but, on the contrary
" aggravated, and it is time to try all possible
" means whereby this "open wound in the flank
" of England" which threatens to poison its
" whole being, can be healed. In the second
" place, the English Government do not desire
" to go contrary to the wishes of General Smuts.
" General Smuts has the majority in South Africa,
" and this majority is pro-British, but it must
" be understood, however, that this is not a crushing
" one and does not represent a blind loyalty. The
" other party each day becomes more numerous, is
" endeavoring to gain the upper hand, the party of
" Herzog, which frankly professes to be a clearly
" republican one. The English Government finds in
" consequence, all the interest in cultivating the
" friendship of General Smuts.

" Now amongst the many views of General Smuts,
" a man whose importance has been increased, as is
" shown in this article, before the eyes of the
" English and Great Britain, I believe that he has
" one which particularly interests us and that is,
" that the natural port of Transvaal is Lourenço
" Marques.

This Portuguese writer, who couches his letter
in a rather peculiar and ambiguous style, means to convey
the impression that General Smuts's prestige is rising

while


-4-

while that of sundry British Ministers is declining;
that General Smuts aims at some time in the future to
acquire for his country the port of Lourenço Marques
which he undoubtedly believes is as necessary to the
South African Union as our forefathers believed the
port of New Orleans was necessary to us.

Trusting that the information herein contained
will prove to be of interest to the Department,

I have the honor to be, Sir,

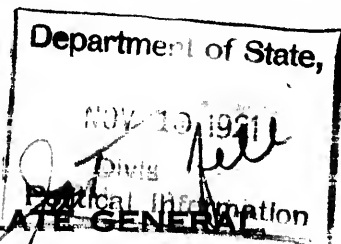
Your obedient servant,


Consul General.

WSH/MS.

File No. 801.4

No. 325.



AMERICAN CONSULATE GENERAL

LISBON, PORTUGAL.

October 21, 1921.

SUBJECT: Political Conditions in South Africa.

A Portuguese View of.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON. WESTERN EUROPEAN AFFAIR.

SIR:

I have the honor to refer to my confidential despatch
of February 4, 1921, to my despatches Nos. 148 of April 28,
215 of July 7, 219 of July 19, and to my report of September
22, 1921, on the subject mentioned above and to report that
in to-day's "Diario de Noticias" there has appeared an article
written by a well known Portuguese traveler who has evidently
made some extended journeys through the Union of South Africa
and Rhodesia, from Cape Town to Beira, and in which he describes
in glowing terms the agricultural development of the country,
the prosperity of the farmers, and the healthy state of the
mining industry. He also notes the steady and progressive
opening up of new lines of communication, such as roads and
railways, and compares the conditions in the British countries
visited by him with those prevailing in the neighboring Pro-
vince of Mozambique, where, although there has been progress
in certain regions, notably in and near Zambezia, it has not
been on anywhere near as great a scale as in the first named
countries.

-2-

countries.

He then goes on to say:- "The Union of South Africa can produce greatly, even for export and is not obliged to import from abroad articles of prime necessity.

"It is believed that it has reached a very high degree of prosperity and that in the development of its resources it has reached the highest point which any country similarly situated could hope to attain under present conditions.

"And when, in the not distant future, South Africa, becoming more prosperous and flourishing, and full of life generated by its titanic forces, realizes the dream of the Nationalist Party and makes a unanimous demand for its independence, the Union of South Africa will change itself into the United States of South Africa, like the actual United States of America, what will happen then to our Province of Mozambique? "

The writer then goes on to say that a very bad impression against Portugal has been created in South Africa because one of the Portuguese Transportes Maritimos do Estado ships was recently arrested and placed under an embargo at Cape Town because it could not pay a bill of £36,000 due certain Cape Town merchants.

In this connection I would respectfully refer the Department to my reports of June 9, June 22, June 28, October 10, and October 14, 1921.

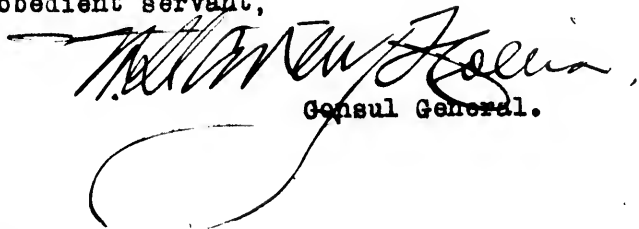
Trusting

-3-

Trusting that this information will be of interest
to the Department,

I have the honor to be, Sir,

Your obedient servant,


Consul General.

WSH/MS.

File No. 801.4

40769

Department of State,
Washington, D.C.

NOV 20 1921

Division of
Political Information

NEW TREATY TO REPLACE EXPIRED
MOCAMBIQUE CONVENTION.

From Vice Consul,

Cape Town, South Africa, October 7, 1921.

Approved, October 7, 1921.

Consul General.

Referring to the report from this office on the

"Relations between the Union of South Africa and Portuguese East Africa", covered in Despatch No. 3050, of January 31, 1921, and subsequent dispatches, a telegram emanating from Lourenco Marques, and published in Cape Town, states that the High Commissioner for Portuguese East Africa will shortly commence negotiations with the Government of the Union of South Africa, for a new treaty to replace the expired Mocambique Convention. It is learned that the High Commissioner has requested the Portuguese Colonial Office to send to Mocambique Commander Ernesto da Rocha (ex-Minister of Colonies), and Mr. Ernesto T. Somaz (Secretary of the Portuguese Legation in London), in order to collaborate with him in the treaty negotiations.

801.4

P/MK.

NOV 9 1921

No. 357

November 19, 1921.

The Honorable

Thomas D. Birch,
American Minister,
Lisbon.

Sir:

There is transmitted herewith, for your information, a copy of a report, dated October 7, 1921, from the American Consul General at Cape Town, South Africa, relative to the proposed negotiations between the Union of South Africa and the High Commissioner of Portuguese East Africa, looking towards the conclusion of a new treaty to replace the expired Mozambique Convention.

I am, Sir,

Your obedient servant,

For the Secretary of State:

Henry P. Fletcher

748a.534/5

WE

DR/AB

EDR

1 enclosure:

Copy of report from American
Consul General at Cape Town.

Oliver A. Allen.
Nov. 18, 1921.

A true copy of
the signed orig-
inal

748A. 534/5

WHE sag.
PI

Department of State,
NOV 21 1921
Division of
Political Information

NOV 13 1921
E. O. S.

NOV 19 1921
EASTERN AFFAIRS,
Department of State.

NOV 17 1921
DIVISION OF
WESTERN EUROPEAN AFFAIRS

748a. 539/6

NOV 21 1921
JHEd.

AMERICAN CONSULATE GENERAL.
LISBON, PORTUGAL.

October 27, 1921.

RELATIONS BETWEEN THE TRANSVAAL, THE UNION OF SOUTH
AFRICA, AND THE PROVINCE OF MOZAMBIQUE.

FROM CONSUL GENERAL, *W. H. Anderson*

References: Reports dated - February 4, April 28, July 7,
July 19, September 22, October 18, and October
21, 1921. (File No. 801.4). *748a. 539/1-11/2*

From time to time articles on the subject mentioned
above

-2-

above appear in the Lisbon newspapers, and the latest news referring to this subject is that contained in a press telegram, dated the 23rd instant, and was published in the "Jornal do Comercio" of the 25th instant, reading as follows:-

" M O Z A M B I Q U E

"GENERAL SMUTS MAKES A SPEECH AND ALLUDES
TO OUR PORTS.

"London, 23. - A communication from Pretoria says that on the 20th instant at a banquet, General Smuts, making allusion to the convention with Mozambique, said that the Government of the Union of South Africa was of the opinion that occasion had arisen to make a radical revision of the said convention.

"General Smuts said: - "The Transvaal could not attain the height of its ambition without the cooperation of Mozambique, as it was indispensable for the clearance of ships coming from the Indian Ocean. "

"In conclusion, he expressed the hope that the Union of South Africa and Mozambique should work together for a high point of prosperity and that those two countries, be considered each day more as a single country with the same interests in the world. "

The Jornal's only comment on this news item is a cryptic Portuguese expression which means "we do not know whether this is going to be good for us."

WSH/MS.

File No. 801.4

~~CONFIDENTIAL~~

No. 365

DEC 9 1921

Department of State
File [initials]

AMERICAN CONSULATE GENERAL,

LISBON, PORTUGAL.

November 22, 1921.

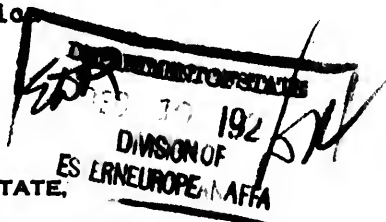
748a.539/2 4

SUBJECT: Relations Between Mozambique and the Union
of South Africa

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.



748a.539/8

SIR:

I have the honor to refer to my despatches of February 4, April 28 (no.148), July 7 (No.215), and July 19(No.219), and to my reports of September 22, and October 27, 1921, on the subject mentioned above, and to report that in the "DIARIO DE NOTICIAS" of the seventeenth instant, there appeared an article, stating that Colonel Alfredo Augusto Freire da Andrade, who has been referred to in my despatch No.344, of the ninth instant, as having occupied the positions of:-

Governor General of Mozambique,
Colonial Minister, Lisbon,
Minister of Foreign Affairs, Lisbon,
Delegate to the Paris Peace Conference, and
Delegate to the League of Nations Conference at Geneva,

and who a few days ago departed for London on a special diplomatic mission for the Portuguese, is now wanted by the High Commissioner of Mozambique to assist the latter in the negotiation of a new Convention between the Union of South Africa and the Province of Mozambique, and that the said High Commissioner has just cabled to the Colonial Ministry

here

DEC 15 1921
FBI

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here in Lisbon to this effect.

There is probably only one other Portuguese administrator and statesman who has such a wide knowledge of African conditions and as much influence in the Union of South Africa and Mozambique as Colonel Freire da Andrade, and that is General Joaquim José Machado, but he is, as he tells me every time he meets me, getting too old, and is beginning to feel his infirmities, and does not feel equal to making any more journeys to South and East Africa.

Both of these gentlemen have at different times been Governors General and High Commissioners of Mozambique, and during the seventeen years that I spent in that country I became not only very well acquainted with them but was treated by each of them as a personal friend.

It has therefore been very pleasant for me to not only renew my old friendship with these high officials here in Lisbon, after a lapse of many years, but to also meet dozens of other men with whom I was very friendly in the old days in Mozambique and who are now occupying responsible positions in Lisbon, in enterprises which are all more or less connected with African development.

These men, who have had large colonial experiences, form a class quite apart from the ordinary untraveled Portuguese; their outlook is larger and broader and more tolerant and their business and political views are more sound and solid. General Machado and Colonel Freire da Andrade are certainly the leading men in this group of old colonial administrators, and it is extremely probable that the latter will, if re-

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quested to do so by the Lisbon Government, proceed to South Africa for the purpose of assisting in the negotiations of this new Convention; and Portugal's interests could be in no better hands. But the only interests which can be or will be considered by the negotiators of this Convention will be those of the Union of South Africa and of Mozambique, and if the interests of Portugal itself clash with the former these latter will inevitably be side-tracked, and it will take all of Colonel Freire da Amdrade's tact and diplomacy to satisfy both Mozambique and the Home Government. My personal opinion is that in any matter where the interests of Mozambique and Portugal clashed, he would favor those of the Province against those of Continental Portugal.

I have the honor to be, Sir,

Your obedient servant,


Consul General.

File No. 801.4
WSE/FW

In quintuplicate.

No. 45.

AMERICAN CONSULATE.

Lourenço Marques, Portuguese East Africa,

41320

September 23, 1921.

SUBJECT: References to the Mocambique Convention.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

[Referring to the Department's Instruction of January 13, 1921, pertaining to matters of political and commercial importance to this territory,] I have the honor to report that the relations existing between this Province and the Union of South Africa have lately been the subject of some discussion, owing principally to the realization on the part of the people of Portuguese East Africa that some action will have to be taken in the very near future in regard to the amendment of the Mocambique Convention, or that in failure thereof the terms of the Convention will automatically continue in force for an additional year.

It appears that the people of Portuguese East Africa are strongly of the opinion that the Mocambique Convention, as now formulated, places the Colony in an unfavorable position as compared to the Union of South Africa. It is also claimed that many advantages are derived from the Convention by the latter country, and that the Colony is not sufficiently compensated under

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the terms of the present agreement to warrant its renewal under the same conditions. There is, therefore, a strong endeavor being made to influence the Moçambique Government to revise the terms of the Convention with a view to obtaining a more equitable division of the benefits accruing therefrom, and it is highly probable that a revision of the agreement will be undertaken in the near future.

It is known that both the Moçambique and Union Governments are quietly obtaining the views of influential people and business concerns and that they are compiling data for the purpose of summarizing the advantages and disadvantages of such an agreement between the two countries. The Union Government has been active for some time in obtaining the opinion of mining companies as to the influence of Portuguese native labor upon the gold mining industry of the Witwatersrand; and it has also been investigating the probable sources of supply of cheap labor in case the renewal of the Convention under more favorable terms to Portuguese East Africa should prove more of a loss to the country as a whole than a direct benefit to the mining and agricultural industries.

In confirmation of the statement that the Moçambique Convention is likely to come up for formal discussion between the two governments, it may be mentioned that Dr. Brito Camacho, High Commissioner of the Province of Mozambique, recently informed the Lourenço Marques Chamber of Commerce that if the Convention were not denounced on or before April 1, 1922, it would be retained for one year but not for a longer period. The High Commissioner also intimated that he was desirous of obtaining the views

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of responsible people and business concerns as to the advisability of continuing the Mozambique Convention either in its present or an altered form. For that reason the Lourenço Marques Chamber of Commerce was requested to draw up a report embodying the studied opinions of its members as to what the new Convention should contain from a commercial point of view.

According to a recent issue of the " Beira News ", the first official reference to the broad conditions under which the Province of Mozambique will be prepared to renew the convention with the Union of South Africa was made by the High Commissioner while on an official visit to that city. Dr. Camacho also intimated that Portugal, in his person, will not agree to any terms which fall short of an adequate compensation for the capital invested on behalf of the Transvaal in the harbor works at Lourenço Marques.

Continuing with respect to the Mozambique Convention this newspaper said in part:

The harbor works at Lourenço Marques were laid down for the benefit of the Rand and the Eastern Transvaal. They are the result of many years of effort and much self-denial on the part of administrations greatly in need of money for the purpose of fostering internal development, especially in the north which has been largely neglected owing to the necessity of providing such large outlays for the lower part of the Province.

From the beginning of the mining industry on the Witwatersrand, Delagoa Bay endeavored to place itself in a position to cope with the demand for the transport of construction material and supplies for the gold mines,

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and before the Natal and Cape lines had even arrived at Johannesburg the Eastern line --- Lourenço Marques to Komatipoort and thence to Pretoria and Johannesburg --- was in good working order and was supplying the Rand with 80 per cent of its mining equipment and materials. Afterwards, when the result of the Anglo-Boer War caused a change of administration at Pretoria, Delagoa Bay continued to be the principal port of the Witwatersrand, and had it not been for the steps taken by the Delagoa Government to serve the mines and commercial community of that district the exploitation of the Rand must necessarily have been delayed for many years. The development of the gold mines proceeded rapidly, and in that wonderfully rapid growth Delagoa Bay was largely instrumental. Besides providing a most convenient and economical seaport and being of almost vital assistance in respect to the question of railway transportation, Delagoa Bay proved itself of still greater assistance by permitting and facilitating thousands of native laborers to proceed from Mozambique to the Transvaal gold mines, in the important and rapid development of which their services were unquestionably indispensable.

Until Lord Milner's tenure of office, no formal agreement existed between the Transvaal and Mozambique. A "modus vivendi" was then arranged, but this agreement was wanting in specific terms. It was not until the Convention of 1909 was signed that Delagoa Bay could say that its rights had been formally recognized.

Apart from the financial benefits obtained under the permissive clause allowing the recruiting of natives

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for the mines, the chief point in this Treaty was a stated minimum of 50 per cent of the transit traffic from overseas to the " competitive area ". The occurrence of the European War interfered with the due observance of the terms of the clause of the Treaty pertaining to competitive traffic. There was also a growing tendency in the Union of South Africa to lower the percentage of traffic in favor of Durban; and until recently Delagoa Bay was not receiving much more than half of the share to which it is entitled under the agreement. In the meantime the import trade in which Delagoa Bay was vitally interested had greatly depreciated, owing largely to the cessation of new construction on the mines, and in a smaller measure to increasing production within the Union. This, in turn, has effected the position of Delagoa Bay under the terms of the Convention, and in view of this loss an endeavor will have to be made to obtain a compensating share of the export traffic from the Transvaal mines.

REFERENCE TO MOÇAMBIQUE CONVENTION BY THE 'CAPE TIMES':

In a recent editorial article dealing with the relations of the Union of South Africa and Moçambique the " Cape Times " of Cape Town said in part:

A telegram from Lourenço Marques indicates that the Moçambique Convention is likely to come up for consideration and revision in the near future, if indeed conversations between the Portuguese and Union Governments have not already been opened. The present Convention was drawn up between the Governments of the Transvaal and Mozambique in order to replace the old "modus vivendi ", which had been in force

-8-

for seven years, and of which the main purpose was to assure to the mines of the Transvaal an adequate supply of native labor (colored).

The first part of the Convention consists of the terms and conditions under which natives may be recruited for the Transvaal mines in the Mozambique Province, the Administration receiving from the mines certain direct payments in the way of passport fees, as well as deriving the indirect benefits which result from the wages earned by the natives and spent to a large extent in the Mozambique Province.

The second part of the Convention prescribes means and methods for developing the import and export traffic of the Transvaal through the port of Lourenço Marques. At the time of the formation of the Union this phase of the Convention was strongly criticised on the ground that it placed the Union Government, which automatically assumed the responsibilities and agreements of the old Transvaal Government, under the obligation to develop the trade of a foreign port in competition with trade over the Natal and Cape routes. By the arrangements under the Railway clause of the Convention the Delagoa route was guaranteed not less than 50 to 55 per cent of the commercial sea-borne tonnage carried by rail to the so-called competitive area. Under a supplementary agreement between the Transvaal, Cape Province, and Natal, the tonnage conveyed to the competitive zone via Natal ports was to be limited to 20 per cent.

The third part of the Convention deals with commercial relations between the Transvaal and Mozambique, and specially provides for the interchange of the products of the soil or

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the industries of the two territories without liability for customs or transit dues. When Union was achieved the Government of the Union of South Africa took the place of the Transvaal Government for all purposes of the Convention, but it was specifically provided that its provision should apply only to the areas originally contemplated. Clause 148 of the Act of Union, which was devised in order to meet the position, provided that all rights and obligations under any convention or agreement which should be binding on any of the colonies should, in turn, devolve upon the Union at its inception; provision was also made in the same clause that the inter-colonial agreement in relation to sea-borne traffic already mentioned should be given effect to by the Union so far as practicable.

The Mozambique Convention has always worked very smoothly in so far as labor recruiting is concerned; and the Cape and Natal ports have never had much cause for complaint as regards the distribution of traffic. Although deviations in traffic occurred at certain periods, it was only after the outbreak of the European War that exigencies compelled the transfer of tonnage on a continually increasing scale from Delagoa Bay to the Natal and Cape routes. For the traffic which was lost the Portuguese Government has made representations for compensation. However, opinion in the Union deems such a claim unreasonable, especially as the conditions of traffic were governed by the exigencies of war.

There is also another important aspect of this branch of the Convention. This is that the commercial sea-borne tonnage no longer bulks as largely on the total tonnage

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carried over the South African Railways as when the Convention was signed in 1909. Import tonnage is now a minor though an important factor. According to the latest available statistics, the apportionment of the traffic for the competitive area in 1920 was 37.6 per cent to Delagoa Bay, 43.1 per cent to Natal, and 18.8 per cent to the Cape Province. In May, 1921, the proportions were 41.0, 39.7 and 19.2 per cent, respectively.

It will, therefore, be apparent that, under a strict interpretation of the Convention, the correct proportions have not been maintained as prescribed. This is said to be the result of natural causes which have arisen since the war and especially on account of the development of the spirit in the Union to encourage trade over the Union railways.

There is little evidence to show, as was feared ten years ago, that the free entry of goods, the product or manufacture of Mozambique, has materially affected in any adverse manner the industries of the Union. In fact, statistics indicate that the proportion of Transvaal products which have been exported free of duty into Mozambique far exceeds the quantities of Mozambique goods introduced into the Union. The balance of trade, therefore, rests closely with the Union of South Africa, and this matter will necessarily have to be considered in the revision of the Mozambique Convention.

I have the honor to be, Sir,

Your obedient servant,

Samuel D. Harker
American Consul.

In quintuplicate.

No. 55

AMERICAN CONSULATE GENERAL

Lourenço Marques, Portuguese East Africa,

November 10, 1921.

SUBJECT: Newspaper comments upon the
Mozambique Convention.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON

SIR:

Referring to despatches Nos. 45 and 53 of September 23, 1921, and November 5, 1921, respectively, pertaining to the relations of the Union of South Africa and the Province of Mozambique, I have the honor to transmit herewith newspaper clippings, in quintuplicate, relating to the Mozambique Convention, which formed part of the Lourenço Marques Guardian of to-day's date.

I have the honor to be, Sir,

Your obedient servant,

Samuel R. Howaker,
American Consul.

800. Enclosure
Newspaper clippings,
in quintuplicate.

DEPT. OF STATE
JAN 6 1922
ACKNOWLEDGED

JAN 5 1922

Enclosure with despatch No. 55,
dated November 10, 1921.

Lourenço Marques Guardian, November 10, 1921.

6

THE NEW CONVENTION.

OPINION IN LISBON.

Writing at the end of September, the Lisbon correspondent of the "African World" says:—

It is probable that the Convention will have to be entirely remodelled, and it is a matter of vital importance for Moçambique. It is not yet known here what officials will be sent out to assist the High Commissioner in the matter, but it appears to be definitely settled that the Minister for the Colonies will not be one of them.

The Convention, which came into force for ten years in April, 1909, and if not denounced is automatically renewed from year to year, has three main aspects—the recruiting of natives in Moçambique for the Rand mines, the proportion of trade to be handled by Lourenço Marques, and the free exchange of goods with out paying duty. As to the last head, the advantage naturally lies with the country which produces most goods to exchange, and that country has hitherto not been Moçambique. As to the percentage of trade, account has to be taken of the changed conditions produced by the war.

The chief difficulty with which those who draft the new agreement will have to deal is the question of recruiting native labour. The amount of money brought into the Portuguese colony by native workmen returning from the mines is by many considered to be so great that the colony simply could not get on without it. One may note, too, that the receipts under "Native Emigration" in the Budget Estimates for July, 1921—July, 1922, are 700 contos, over one-twentieth of the entire revenue (estimated at 13,749 contos, or £3,055,000 at par).

At the same time, if the High Commissioner is told that he must give and take and is asked to regard the wealth brought in by repatriated natives as a compensation for the loss on free exchange of goods, he may answer that his first duty is not to foster artificial means of wealth

A SOUTH AFRICAN VIEW.

In an editorial article, the "S.A. Mining Journal" remarks:—

During the past week or two public interest in the problems of the future status of the Moçambique Convention has been much increased by the remarks of the Prime Minister on the subject and by the despatch of a Union Government expedition to survey a new port on the Zululand coast. It need hardly be said that Lourenço Marques has read with deep interest the speech delivered by General Smuts at the congress of the Chambers of Commerce in Pretoria, and has noted the likelihood of a new Union port being established between Durban and Delagoa Bay with grave concern; for it is impossible to consider the revision of the Convention without reference to the significance of the Prime Minister's hint that the Transvaal mines may not be in such great need of Portuguese East African natives as they were a dozen years ago, when the terms of the Convention were framed. And it is also not easy to believe that it

jected opening up of Kosi Bay is an undertaking which has been engaged on by the South African Government without fully considering the effect upon Delagoa's trade which the introduction of a new harbour on the East Coast inevitably would have. That, at any rate, is the view held in Portuguese territory, and, whilst it may be a mere coincidence that the Zululand harbour project—which this paper was the first to draw attention to nearly a year ago—is at last receiving the Government's serious attention at a time when the future trade relations of the Union with Portuguese East Africa require earnest consideration, it will be appreciated that our friends in Delagoa are freely speculating as to the Union's future policy with regard to Portuguese territory.

The whole question bristles with difficulties, wise, and generous statesmanship is called for on both sides in the framing of the new agreement. Special interest, therefore, attaches to the Premier's recent remarks as to the native labour supply of the Moçambique territory to the Transvaal mines. It has always been held that the Union cannot dispense with labour from this source, despite the shadow of waning output which has fallen on the Rand. But the Prime Minister's remarks have given the impression that our mines are not so dependent on East Coast labour as they used to be. The interpretation put upon his speech by Kosi Bay is that either it will

the colony simply could not get on without it. One may note, too, that the receipts under "Native Emigration" in the Budget Estimates for July, 1921—July, 1922, are 700 contos, over one-twentieth of the entire revenue (estimated at 13,749 contos, or £3,055,000 at par).

At the same time, if the High Commissioner is told that he must give and take and is asked to regard the wealth brought in by repatriated natives as a compensation for the loss on free exchange of goods, he may answer that his first duty is not to foster artificial means of wealth but to develop the colony, that in some parts the colony is short of the hands requisite for this development—he has already intimated that no further recruiting of natives will be allowed for San Thomé, for which Angola will have to provide—and that in consequence of the greater production resulting from development the loss on free exchange of goods might be no longer on the side of Moçambique. That, however, is perhaps looking rather far ahead, and it seems most probable that for the present the carefully regulated recruiting of native labour for the Rand will be the plan best suited to Portuguese interests.

It is a thousand pities that attention at home is given to party, political and other extremely petty affairs so thoroughly that no attention remains over for the colonies at this crisis of their fate. The Government has no money, the expenditure more than doubles the revenue, so that every day makes the situation worse. The whole object of each succeeding Ministry is to raise a loan abroad, and the prospect of the fifty million dollars having ignominiously fallen through, as also, it appears, that of raising money on the German indemnity eventually due to Portugal, the present Minister of Finance has been reduced to consider the possibility of pledging Portugal's merchant ships.

But if the exchequer is empty there is without any doubt much money in the country, and the fact that Governments have been too weak to impose fresh taxation might even prove to have been a blessing in disguise if wealthy individuals were to use their capital in developing Portugal's resources and those of the colonies. Great fortunes made in the war escaped without extra taxation, but if they were employed in this way Portugal's future might yet be safe.

Africa require earnest consideration, it will be appreciated that our friends in Delagoa are freely speculating as to the Union's future policy with regard to Portuguese territory.

The whole question bristles with difficulties, wise, and generous statesmanship is called for on both sides in the framing of the new agreement. Special interest, therefore, attaches to the Premier's recent remarks as to the native labour supply of the Moçambique territory to the Transvaal mines. It has always been held that the Union cannot dispense with labour from this source, despite the shadow of waning output which has fallen on the Rand. But the Prime Minister's remarks have given the impression that our mines are not so dependent on East Coast labour as they used to be. The interpretation put upon his speech by Delagoa Bay is that either it was made seriously, and must be dealt with in a serious spirit, or else it is "pure bluff," in which latter category it would seem to give colour to the view that it was somewhat natural that General Smuts should endeavour to minimise the advantages the Union obtained from the operation of the existing Convention. Assuming that General Smuts spoke seriously, a possible decision on the part of the Union Government not to press for labour from the Moçambique Province would be not altogether unwelcome in the coastal territory, according to some students of the problem, who contend that farming and other industries in Southern Moçambique, which are to-day faced with the greatest difficulty in securing a sufficiency of boys, would benefit immediately, and, as a consequence, would be able to enlarge their field of operations.

There may be much more behind all this banter of words and interpretations than at first sight meets the eye. It may be that the eyes of our farseeing Prime Minister are set upon the vast labour resources of Tanganyika territory. Then again, it is not improbable that East Coast labourers, no matter what the Convention may decide on in regard to them, will always seek work in the markets which offer the largest rewards. At any rate the Prime Minister's remarks have riveted attention and have set many minds wondering as to what exactly his words were intended to convey. Add to this the fact that the Union Government evidently is now desirous of establishing a new port on the East Coast at a point which lies almost in a direct line with the busiest industrial centre of South Africa, and it is scarcely surprising to find that Delagoa Bay is greatly wondering what its commercial relations with the Union may be in a few years' time. But whatever modification of the Convention may be proposed or decided on, we feel sure that there is a very earnest desire on the part of the Union Government to perpetuate the amicable relations which always have existed between ourselves and our eastern neighbours. And this desire is, we are assured, heartily reciprocated by the inhabitants of the Province of Moçambique.

BY James E. V. Smith DATE 11/11/1961

Enclosure with despatch
No. 55, dated November 10, 1961.

Lourenço Marques Guardian, November 10, 1961.

WHAT RHODESIA THINKS.

The "Bulawayo Chronicle" says: Looking at the map of South Africa, it will be seen that one of the few sections of the coast not supplied with railways is that portion of Zululand directly to the south of Lourenço Marques and Portuguese territory. It happens that a straight line from this part of the coast gives about as near a route as possible between the ocean

and the chief industrial centre, Johannesburg and Pretoria being a matter of about 250 miles. Some twenty years ago, the Natal Ministers of those days and other leading members of the Natal legislature, spent the best part of a week in a trip to the mouth of the Umhlatusi River (Richards' Bay), where the railway and harbour engineers of the Colony had projected opening up a new harbour with direct railway communication to the Transvaal by way of Vryheid. But the advent of Union put an end to the project, and suggested something better. It is this still more advantageous route which is now being considered, with a new port further north, at either Kosi Bay or the adjoining Sibia Lake. Both places are in Amatongoland, that portion of Zululand which lies between Swaziland and the ocean, immediately south of Delagoa Bay. There is not a great deal to choose between the route and that to Delagoa Bay, except that it would give South Africa its own port on the shortest possible line from the Rand. It will be remembered that Paul Kruger made an effort to get Kosi Bay as a Transvaal port, but the Imperial Government was in time to prevent it. An advantage of the new port and railway would be the opening up of the northern part of Zululand, and also of Swaziland, through which native territory the new line would have to go, perhaps after the inclusion of that territory in the Union. An inevitable accompaniment would be the extension of the present coast line from the St. Lucia coal-fields to the new port. The Union has been feeling its way northward along the coast by a process of surveys, which are fairly complete as far as Richards' and St. Lucia Bays. The Zululand bays are all large lagoons with sandbars across their mouths, in fact resembling Durban harbour, from which,

A NATAL OBSERVATION.

In a leading article dealing with the Convention, the "Natal Witness" remarks that if it were attempted to strike a balance it would be difficult to say which party derived the greatest advantage from the treaty, but on the whole probably the advantage lies with the Portuguese. It is true that the native labour recruited in Mozambique was of the greatest importance, but, on the other hand, the large sums derived from the recruiting of native labour by the Government contributed enormously to the development of the Province, especially of the harbour, as also did the revenue derived from the railway traffic. Without this, indeed, the development of the port must have been almost at a standstill, as it is certain it could never have obtained sufficient funds from the Lisbon Government. Moreover, if the natives had not gone to the Rand to work on the mines they would have been of no use to the Portuguese, and the large sums of money brought back from the mines would not have been expended in the country. Further, the free trade stipulation which placed the Province on the same footing as the British Colonies with regard to trade with the Transvaal—and subsequently with the Union—has been of enormous value to the Portuguese. It would be absurd, of course, to minimise the importance

of this supply of labour to the mines, but taking the various factors as a whole, the time seems to have arrived for a readjustment. There is no reason to doubt that the revision of the Convention, which naturally will be by means of a conference, will be amicably arranged. Both parties have common interests, and the traditional friendship which has for so long subsisted between the Portuguese and the South African Governments will ensure the discussion of the various points on friendly lines. The fact that it is the Union as a whole and not one colony which is negotiating, also alters the situation to some extent. The result of the conference will be awaited with much interest on both sides, and it may be hoped that it will be known before Parliament meets, so that the public may have an opportunity of discussing it.

which native territory the last time would have to be. The inclusion of that territory in the Union. An immediate commitment would be the inclusion of the present South African St. Lucia coal fields in the Union. The Union has been taking in very northward along the coast by a process of surveys which are fairly complete as far as Richards and St. Lucia Bays. The Zululand bays are all large lagoons with sandbars across their mouths, in fact resembling Durban harbour, from which, however, the bay was long since removed.

Possibly the present activity is connection with the removal of the Mozambique Treaty, and as a reminder to the Portuguese Government that the Union is by no means so dependent upon Delagoa Bay as has been imagined. The construction of a railway line for the purpose of serving the Transvaal and portions of the Natal coal fields with a railway connecting up with the existing system at Port Natal, would mean a more serious competition with Durban than is at present the case from Delagoa Bay. But local considerations cannot prevent development on a national scale, and it is usually found that compensation is possible, and comes invariably to a great extent from a larger local development. The existing traffic with Delagoa Bay is more likely to affect the Portuguese. The Pretoria correspondent of the "Cape Times" observes: "This scheme will involve a great deal of expense, and the Rand mining interests seem to fear that their supply of natives may be endangered if Delagoa Bay is no longer the chief port for the Eastern Transvaal, but these difficulties, it is hoped, will be overcome. Closely connected with the problem of Delagoa Bay is that of the Messina-West Nicholson railway, an extension which in the Transvaal, is looked on as inevitable, although it is not likely that the Government will exercise any pressure on Rhodesia. Such action might be misunderstood at the present moment, and Rhodesians are more likely to appreciate the benefits of joining the Union if they first obtain some experience of carrying into effect the political innovations that may result from the present agitation while their purse is a very slender one."

The Government and the South African Government will discuss the discussion of the various points on friendly lines. The fact that it is the Union is a whole and not one colony which is negotiating, also allows the situation to some extent. The result of the discussion will be awaited with much interest on both sides, and it may be hoped that it will be known before Parliament meets, so that the public may have an opportunity of discussing it.

BY James E. Primm DATE 7/21/65

In quintuplicate.

No. 71.

AMERICAN CONSULATE GENERAL

Lourenço Marques, Portuguese East Africa

February 21, 1922

SUBJECT: Proposed Conference to discuss
Mozambique Convention.

THE HONORABLE

Department of State,
The Secretary of State,

WASHINGTON.

SIR:

Division of
Consular Information

I have the honor to report that the Governor-General
of the Union of South Africa has invited the High Commis-
sioner of this Province to a conference to be held for
the purpose of discussing the Mozambique Convention.

I have the honor to be, Sir,

Your obedient servant,

Samuel H. Honaker
American Consul.

In quintuplicate.

No. 81.

Office of Economic Adviser
MAY 27 1922
DEPARTMENT OF STATE

AMERICAN CONSULATE GENERAL.

Lourenço Marques, Portuguese East Africa,

April 1, 1922.

SUBJECT: Mozambique Convention Denounced.

*Instructions to Am. Amb. London
& Am. Min. Lisbon*

THE HONORABLE

THE SECRETARY OF STATE,
WASHINGTON.

SIR:

I have the honor to report that to-day's Lourenço Marques Guardian contains the following statement in regard to the Mozambique Convention:

"We are officially informed that H.R.H. Prince Arthur of Connaught, Governor-General of South Africa, has written to the High Commissioner conveying a resolution of the Union Government to the effect that in accordance with the letter received from the High Commissioner of Mozambique in June last, it has resolved to denounce the Mozambique-Transvaal Convention.

"In forwarding the resolution His Royal Highness expresses satisfaction that this formal denunciation will in no way impede the negotiations which will shortly begin for the conclusion of a new treaty between Mozambique and the Union.

"In conclusion His Royal Highness renews his invitation to the High Commissioner to pay a visit to Capetown during the progress of the negotiations as a guest of the State.

"Acknowledging the letter, the High Commissioner cordially thanks Prince Arthur for the invitation of the Union Government, and adds that he will be pleased to accept it if his public duties permit."

I have the honor to be, Sir,

Your obedient servant,

Samuel D. Harker
American Consul.

No. 532

The Honorable

May 26 1922

George Harvey,

American Ambassador,

London.

Sir:

Reference is made to previous correspondence relative to the termination of the Mozambique Convention and the negotiation of a new agreement between the Union of South Africa and Portuguese East Africa.

In this connection, there is transmitted herewith, for your information, copy of despatch No. 81, dated April 1, 1922, from the American Consul at Lourenço Marques, containing an account of the official denunciation of the Mozambique Convention.

I am, Sir,

Your obedient servant,

For the Secretary of State:

WILLIAM PHILLIPS

Enclosure:

Copy of despatch No. 81,
dated April 1, 1922, from
the American Consul at
Lourenço Marques, Portuguese East Africa.

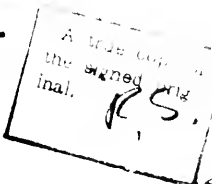
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DR*EMK
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Alvey A. Allen

MAY 19 1922

MAY 25 1922



E. A. Allen
[initials]

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748A.53q/13

No. 392

The Honorable

May 26 1922

Fred Morris Dearing,

American Minister,

Lisbon.

Sir:

Reference is made to previous correspondence relative to the termination of the Mozambique Convention and the negotiation of a new agreement between the Union of South Africa and Portuguese East Africa.

In this connection, there is transmitted herewith, for your information, a copy of a despatch, dated April 1, 1922, from the American Consul at Lourenço Marques, containing an account of the official denunciation of the Mozambique Convention.

I am, Sir,

Your obedient servant,

For the Secretary of State:

WILLIAM B. ELLISON

Enclosure:

Copy of despatch No. 81,
dated April 1, 1922, from
the American Consul at
Lourenço Marques, Portu-
guese East Africa.

748a.53q/13

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MAY 19, 1922

MAY 25 1922

In Triplicate.

No. 214.

AMERICAN CONSULATE GENERAL,

Cape Town, South Africa, April 18, 1922.

Department of State,

SUBJECT: Proposed renunciation of Mozambique
Convention.

MAY 1 1922
Division of Western European Affairs

THE HONORABLE
THE SECRETARY OF STATE.

WASHINGTON.

SIR:

I have the honor to inform the Department that the Government of the Union of South Africa has served notice on the Portuguese Government of its intention to renounce the Mozambique Convention as from April 1, 1923.

This Convention was entered into between the Government of the Transvaal and Portugal in 1909. It secured to the Transvaal the right to recruit native labor in Portuguese East Africa and certain facilities at the port of Lourenco Marques, while Portuguese East Africa in return was allowed to export its sugar into the Transvaal free of duty, and was allotted a certain percentage of the tonnage passing into and from the Transvaal.

More than a year ago arrangements were made between the Union and the Portuguese Governments to hold a conference in South Africa, for the purpose of replacing the existing convention with an agreement more suitable to present day conditions. Owing to a failure on the part of the Portuguese Government to send representatives this conference has never materialized. In announcing its intention

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INDEX BUREAU

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and to

DEPARTMENT OF STATE
MAY 20 1922
D. C. 2
DIRECTOR OF CONSULAR SERVICE

RECEIVED ASSISTANT SECRETARY
MAY 11 1922
DEPARTMENT OF STATE
MAY 18 1922
DIVISION OF WESTERN EUROPEAN AFFAIRS

ACQUAINTANCE
MAY 18 1922
DATE

BY James E. Venable DATE 7/21/65

-2-

intention to renounce the Mozambique Convention, the Union Government informed the Portuguese Government that in giving that notice it was not proceeding with the idea of abandoning the conference, but welcomed it, and renewed invitations to the Portuguese delegates to visit Cape Town in order that the terms of a new Convention might be fully discussed.

In view of the fact that during the past ten years a sugar growing industry has been developed in the Union of South Africa to take care of the country's requirements, there is consequently a large opposition to renew that part of the Convention permitting the free entry of Mozambique sugar in competition with the domestic product. Union ports are also taking care of a larger share of the trade of the Transvaal and the percentage allotted to Lourenco Marques will also be the subject of revision.

I have the honor to be, Sir,

Your obedient servant,



American Vice Consul in Charge.

800.

P/B.

In quintuplicate.

No. 93

AMERICAN CONSULATE GENERAL

Lourenço Marques, Portuguese East Africa

April 27, 1922.

SUBJECT: Newspaper clippings relating to
revision of the Mozambique Convention.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to transmit herewith, in quintuplicate, newspaper clippings taken from the Lourenço Marques Guardian of to-day's date, which have reference to the revision of the Mozambique Convention.

I have the honor to be, Sir,

Your obedient servant,

Samuel H. Thomas
American Consul.

Department of State

800

Enclosures: Newspaper clippings,
in quintuplicate.

H/F.

Enclosure with despatch
No.93, dated April 27, 1922.

LOURENÇO MARQUES Guardian

LOURENÇO MARQUES, APR. 27, 1922

SO FAR, GOOD.

The official negotiations between this Province and the Union have, of course, not yet begun; but the preliminary proceedings to them and the spirit in which the negotiations are being approached, as well as the comments made on the matters at issue are satisfactory so far as they go. We use the expression satisfactory for two reasons. In the first place, sufficient has been disclosed to convince us that the negotiating parties on both sides are resolved to approach the impending discussions in a business-like spirit and in a sincere desire to achieve not merely a satisfactory agreement, but one which will endure in an effective form throughout the changing—and we hope progressive—conditions of the period prescribed for its existence. In the second place, there is a disposition to display that spirit of

frankness for which we have so often pleaded and to endeavour to reach an understanding not by finesse or verneukerie, but by a plain recognition of facts, and principally the reality that both this country and the Union possess resources whose utilisation can be advantageous to both, and that whilst either may get on moderately well by ploughing a lonely furrow in the field of natural progress and development, much more can be accomplished by co-operative effort, an attitude of mutual dependence and a resolve to cultivate the closest and most friendly relations to secure advantages from which both will benefit. To anyone who frankly recognises the conditions and considers them without the by-play of politics and the introduction of unimportant side issues, that view must commend itself as a matter of common sense. It is, we think, the outstanding feature of the remarks made by Colonel Sá Carneiro in the interview our representative had with him in Capetown the

other day. From what he said, we gather, the Portuguese delegation is not formulating any policy until they have obtained an outline of the Union Government's proposals and until they have at first hand secured first-hand knowledge of the conditions prevailing here, some idea of local aspirations and an estimate of the inevitable outcome of a reasonable and sensible agreement—or the contrary. That seems to us a good course to follow and it indicates a disposition not to encumber the proceedings with unnecessary considerations, but to get to business as quickly as possible and to waste no time at all on non-essentials. Colonel Sá Carneiro predicts that the negotiations will be finished and a satisfactory settlement reached within a month, and we hope he is right. If he is it will be entirely because on both sides a spirit of sweet reasonableness prevails and each is animated by a desire to work together to the utmost extent possible. At the moment we can only repeat that the augury is good. So far, the policy of the Union in the matter has not been indicated, but as showing the spirit that prevails outside Government circles we have the important remarks made by the President of the Witwatersrand Native Labour Association the other day when he acknowledged that the Portuguese native labour force was indispensable to the Union's mining industry and that without it there could be neither progress nor development on the gold mines. That is frankness again, and if it is reciprocated here by a recognition of the fact that the Province benefits very considerably from its natives being able to participate in such profitable employment; or, from another aspect, if the Union recognise that our port is in every way essential for the development of the trade of the Transvaal and we frankly identify ourselves with the obvious view that it is to the general advantage of this province that that trade should be expanded to the utmost possible extent—~~as~~ as we say, this is the spirit manifesting ~~itself~~ on both sides, then we may confidently look to a happy issue of the problem. After all, we take it, the conference and its outcome will be a business rather than a political transaction and the terms of any agreement arrived at must be those that will bear the scrutiny of men of affairs whose touchstone is an industrial and economic progress manifested in the general prosperity and well-being of the community.

Enclosure with despatch
No. 93, dated April 27, 1923.

PORTUGUESE DELEGATION.

ARRIVING AT LOURENÇO MARQUES ON SATURDAY.

Interview with Colonel Sá Carneiro.

General Freire d'Andrade Ill.

Capetown, April 23.

The Portuguese delegation, which arrived in Capetown yesterday, for the purpose of discussing with the Union Government the expiring Moçambique Treaty, is already at work upon the proposals that will be submitted to General Smuts in the near future.

To-morrow, two of the delegates, Colonel Sá Carneiro (Director of Port and Railways at Lourenço Marques) and Colonel Gaivão, will leave Capetown for Lourenço Marques and discuss the problem with all its ramifications with the High Commissioner of Moçambique.

In a conversation to-day, Colonel Sá Carneiro pointed out that it would not be politic to give the Portuguese standpoint at present. "We shall have to discuss the situation thoroughly in Moçambique," he said, "but we do not anticipate being there longer than a week. In any case we shall not formulate any policy until we have met Gen. Smuts and heard the views of the Union Government. It is possible that these views may modify our own demands, and for that reason we are not disclosing our policy at present."

Colonel Sá Carneiro said the delegation was anxious to complete its work as quickly as possible and return to Portugal. He did not anticipate any difficulties in negotiating a settlement with the Union Government, and thought that the whole business might be completed within a month. Of course, there was always the possibility of a deadlock, but they were anxious to negotiate a good settlement and were prepared to make sacrifices in certain directions.

One unfortunate incident was the illness of General Freire d'Andrade, formerly Governor of Moçambique, and now head of the present delegation. General d'Andrade had been forbidden by the doctor to leave his bed, and was unable to see anyone. He would not be able to accompany Colonel Sá Carneiro and Colonel Gaivão on their journey to Lourenço Marques, but he would be fully informed of the feeling in Moçambique on the renewal of the Treaty. It may be that General d'Andrade will be confined to his room for a week. The delegation as a whole were particularly interested in the report from Johannesburg that at the annual meeting of the W.N.L.A. the chairman emphasised that Portuguese natives were the backbone of the Rand native labour supply.

"This strengthens our case considerably," said one of the delegates. "It is an open recognition of a factor we have always insisted upon."—Reuter's Special Service.

MINE LABOUR'S BACKBONE.

Tribute to Portuguese Natives.

Vital to the Gold Industry.

Johannesburg, April 25.

At the annual meeting of the Witwatersrand Native Labour Association, the chairman (Mr. H. O. Buckle), referring to Moçambique labour, said the number of East Coast natives employed by the members of the association at December 31st was 88,138. The estimated adult male population of the territories from which those natives came is 280,000, of whom not more than 180,000 physically fit natives are available for work outside the territories. We have consequently on the mines one half of the natives, and it will be obvious that after allowing for the fact that the natives' period of work on the Rand is intermittent, say one half of the time on the Rand and the remainder at his kraal, it is not possible to expect any considerable increase in the number of natives for the mines from Portuguese territory south of latitude 22 degrees south. Indeed, the demand for native labour in the territory itself will tend to diminish the supply available for the mines, and will certainly neutralise any addition which might otherwise take place through the natural increase in population.

Referring to the Convention, the President said: "It is unnecessary for me to emphasise the absolutely vital importance of the Portuguese labour supply to the mining industry, equalled, it is true, by a similarly vital importance to the financial position of the Province of Moçambique; that its natives should be able to participate in the remunerative employment of the mines. It is also probably true that many of the natives would find their way to the Rand, Convention or no Convention, but the unfortunate consequences of any such irregular procedure are manifest, and I do not think there is any doubt that a mutually satisfactory agreement continuing to regulate the flow of Portuguese natives to the Rand will be arrived at. Fortunately, the Portuguese natives did not return home in anything like so large numbers as the British South African natives during the recent strike, thus once again demonstrating that the Portuguese native is the backbone of the labour force on the mines."

In quintuplicate.

No. 92

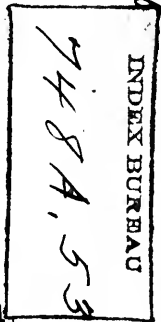
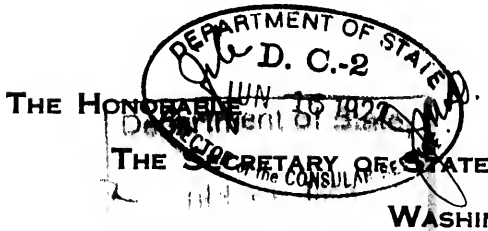
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AMERICAN CONSULATE GENERAL

Lourenço Marques, Portuguese East Africa,

April 25, 1922.

SUBJECT: Comments on the Moçambique Convention
and sketch of Portuguese delegation.



SIR:

I have the honor to report that a telegram, dated April 24, 1922, announced the arrival at Cape Town on the twenty-fourth of the delegation which is to represent Portugal and the Province of Moçambique in the coming convention with the Union of South Africa to be held for the purpose of reframing the Transvaal-Moçambique Convention.

There is enclosed herewith newspaper clipping, in quintuplicate, taken from the Lourenço Marques Guardian of April 25, 1922, commenting upon the Moçambique Convention. There is also attached hereto newspaper clipping, in quintuplicate, being a sketch of the delegates who will act on behalf of this country.

I have the honor to be, Sir,

Your obedient servant,

Samuel H. H. H.
American Consul.

800.

Enclosures: As stated, in quintuplicate.

Enclosure No. 1 with
despatch No. 92, dated
April 25, 1922.

A CONVENTION REVIEW.

The arrival at Capetown yesterday of the delegation which is to represent Portugal in the negotiations with the Union Government for the framing of a treaty to replace the Convention which will expire next year, brings us almost to the eve of the discussions regarding the terms of the agreement on which so much of the prosperity of the Province depends. It is on such occasions that one is tempted to look backwards in order to see what has been accomplished by past arrangements, no doubt with the hope of profiting by experience gained and applying it to the existing situation so that any new instrument forged may be more perfect and effective than any which has preceded it. More than eleven years have passed since Major Rosado, a former Governor-General of the Province, an able diplomat and a far-seeing statesman, negotiated for the Province the now-expiring Transvaal-Mozambique Treaty which took the place of the *modus vivendi*, an indefinite agreement arrived at on the conclusion of the South African war to regulate as far as possible the commercial and general economic relations existing between the two countries, which, like the existing agreement, had come to be regarded as being somewhat out of date in view of the altered circumstances that had come about since the understanding was first arrived at. If we remember right, when the treaty was first published it was looked upon with suspicion in Lisbon and regarded as unsatisfactory in view of the great developments made at this point to cater for the trade of the Rand and the financial sacrifices made in order to meet the requirements of the Transvaal by providing it with an adequate sea gateway at least a hundred miles nearer to Johannesburg than any of the Union ports. At the time the Convention was entered into in 1910 the Rosado Treaty was regarded in Portugal as having sacrificed the interests of the Province

to those of the Transvaal, particularly as regards the transferring of its surplus labour force across the border. That view, we think, has been disproved in the course of years and the whole Province has benefitted considerably from the development of what is undoubtedly the finest harbour in Africa, whilst even as regards the indigenous native labour the balance of practical gain has been on the side of the Province. To that extent, therefore, the Convention has been particularly favourable to Mozambique, and equally has it saved the industrial and economic interests of the Transvaal. Its chief failure, so far as this Province is concerned, was in regard to the agreed quota of railway traffic for the inland trade, and whilst to some extent this was inevitable owing to war conditions, the fact remains that Delagoa Bay never received the share of the transit trade to which it was entitled and—though probably it will not do so—it is justified in asking for special consideration and compensation on that head. For the rest, we should imagine the local Government is fairly well satisfied with the agreement, but now that the whole thing is being re-considered it is well that it should be re-constituted on the broadest basis possible. For our own part, we believe it will be and that whilst national sentiment is preserved and safeguarded the close commercial connection of the two territories will be emphasized to the fullest extent possible so that not merely may the working arrangement arrived at be satisfactory but there may also be established a co-operation worthy of the traditions of both contracting parties and capable of achieving a joint prosperity which prevailing conditions may justify, but which statesmanship has never yet made the most of. May it do so on this occasion.

BY James E. Vanden DATE 7/21/65

Enclosure No. 2 with
despatch No. 92, dated
April 25, 1922.

THE COMING CONVENTION.

Portuguese Point of View.

Confidence in Delegation.

Writing in the Rand Daily Mail, "Ignatius" says:—

A good deal of importance attaches to the negotiations, and it may, therefore, be of interest to people in the Union to learn something of those who have been commissioned to represent the Portuguese view of the matter. The existing Mocambique Treaty concerned in the first instance chiefly the Transvaal, but the coming instrument is likely to have a wider scope and, in any case, its provisions will have to receive the assent of the Union as a whole.

So far nothing has been made public as to those upon whom will fall, on the Union side, the task of framing the new Convention. The leading part will, no doubt, be taken by General Smuts, whose diplomacy had much to do with the agreement signed at Pretoria on April 1st, 1900, between the Transvaal and the Province of Mocambique. The relations between the two countries, then successfully defined, have most certainly not diminished in their importance. The ties between them have, if anything, gained in value, and not least of all in regard to the increasing importance of Mocambique as a fruit and field for the commerce of the Union.

This fact is fully appreciated on the Portuguese side, and the composition of the mission now on its way is clear evidence of it. The time has come for placing the relations between Mocambique and the Union upon an equitable, solid and durable basis, and to carry out this task a mission composed of exceptionally able men has been sent to South Africa. Three of them have rendered long and honourable service in Mocambique and are intimately acquainted with the conditions, both political and economic, prevailing in the two contracting countries. The fourth, Senhor Carlos Bianchi, is a young and distinguished diplomat, who has spent some years in the service of his country in London, where he soon became persona grata.

In an article published in the columns of the Rand Daily Mail some time ago reference was made at some length to the head of the mission, General A. Pires d'Andrade. As then stated, His Excellency left behind him a singularly high record for solid and valuable work during his four years' tenure of the governorship-general of Mocambique, from which he retired at the end of 1910. In the years that

the relations between the Mocambique and the Union Railway Administrations showed a happier feeling and smoother inter-working than that of his regime. A distinguished engineer, he revealed himself an excellent and courageous administrator, a strong disciplinarian, as well as the best of employers whenever merit and good work on the part of anyone under him required recommendation or reward.

For some years, up to about two years ago, Senhor Sá Carneiro was in close contact with the Union authorities, and throughout his policy was invariably based on the principle of fair dealing and the recognition of mutual duties and advantages. In the Union, as well as at Lourenço Marques he was exceedingly well liked and respected. A very warm welcome will no doubt be accorded him on both sides of the border by a host of friends in official and commercial circles.

The present state of development of the railways and port at Lourenço Marques owes much to the action of these two officials. Both did their best to render them efficient and of great service to the Transvaal. Senhor Sá Carneiro was an ardent worker on behalf of the expansion of the coal trade through Lourenço Marques, and in this, as in other respects, the interests and needs of the import and export trade of the Transvaal are sure to meet with cordial support at the hands of the Portuguese negotiators. The same spirit, one makes bold to say, will animate their endeavours in other directions in the fulfilment of the great task which lies before them. They are clearly men of understanding, who come here not as strangers but as friends prepared to argue and settle what are admittedly big questions on a basis which moderate men on both sides will wish may prove mutually satisfactory and productive of conditions conciliatory of the just interests of Mocambique and the Union. So mote it be!

CONVENTION COMMENT.

A London View.

The current issue of the "British South Africa Export Gazette" says:—

The Union Government have not yet officially indicated the line they intend to take in the forthcoming negotiations for the revision of the Transvaal-Mocambique Convention but we have strong grounds for saying that any future agreement will be between Mocambique and the Union as a whole; and that, contrary to present procedure under clause three of the existing treaty, the exchange of all locally manufactured goods between the two territories will be subject to the ordinary

BY James E. Brundage DATE 7/21/65

some years in the service of his country in London, where he soon became persona grata.

In an article published in the columns of the Rand Daily Mail some time ago reference was made at some length to the head of the mission, General A. Freire d'Andrade. As then stated, His Excellency left behind him a singularly high record for solid and valuable work during his four years' tenure of the governorship-general of Moçambique, from which he retired at the end of 1910. In the years that have since elapsed he has, both in administrative posts at home and in diplomatic work abroad, added greatly to his reputation as a far-seeing and conscientious statesman. He has often had occasion to come into touch with British statesmen, including General Smuts during the prolonged session of the Peace Conference, and he has thus gained considerable knowledge of British ideas and procedure.

General Freire d'Andrade's chief collaborators are Colonels Carlos Sa Carneiro and A. Lopes Galvão, both of whom are well known in official circles in the Union. The latter had a long period of service as sub-director and director of railways at Lourenço Marques, and later, after an interregnum of some years, as inspector-general of public works of the Province of Moçambique. In this last capacity he held office at Lourenço Marques up to about three years ago.

Colonel Lopes Galvão arrived in Moçambique for the first time in 1905, the first important task assigned to him being the construction of the much talked of Swaziland railway, the building of which stands as a great achievement of Portuguese engineering. In his capacity as an administrative officer of the Lourenço Marques railways, it was Senhor Galvão's duty to take part in a number of important conferences with representatives of British South Africa. He was one of the Moçambique delegates to the Maritzburg conference, which led eventually to the South African National Convention and, finally, to the formation of the Union. Though absent from Moçambique for a number of years, Senhor Galvão kept himself well posted on all matters concerning Portuguese East Africa and the Union. While acting as inspector of public works he devoted considerable thought and time to the study of the working of the Transvaal-Moçambique Convention, as well as to the different problems affecting the two countries. He perceived the necessity of a good, equitable understanding between them, and some of the work he then undertook had clearly this end in view.

Colonel Sá Carneiro made a solid reputation for himself as a capable and efficient director of railways, and it may be said that no period in

says:—

The Union Government have not yet officially indicated the line they intend to take in the forthcoming negotiations for the revision of the Transvaal-Moçambique Convention but we have strong grounds for saying that any future agreement will be between Moçambique and the Union as a whole, and that, contrary to present procedure under clause three of the existing treaty, the exchange of all locally manufactured goods between the two territories will be subject to the ordinary Customs tariff. This being likely to be mutually approved, discussion will probably be confined to proposals providing for the recruiting of Portuguese East African native labour for the Transvaal gold mines, in exchange for a guarantee that Lourenço Marques shall, as in the past, have a certain percentage of the traffic between the coast and the "competitive area" in the Transvaal. The representative of the Portuguese Government will doubtless press for the full 50 per cent. of the traffic—a figure which, it must be admitted, has not hitherto been reached—but he will probably not find this course entirely plain sailing. The Union Government hold a strong hand, and are likely to demand assurances that greater efficiency be displayed in the working of the port of Lourenço Marques, and, we also understand, they will require that Union industries generally be allowed to secure native labour when they so desire. Opposition, of course, will be forthcoming on the Portuguese side, but we fail to see how it can be pushed far. Much has been made of the Moçambique Administration's generosity in permitting Portuguese East African natives to go to the Rand, but Moçambique benefits from this concession quite as much as does the Transvaal, and those responsible will certainly not close their eyes to the advantages of working with rather than against the Union. Moreover, General Smuts has already announced his intention of opening up either Kosi Bay or Sibayi in Zululand as new ports, and should the Portuguese authorities not prove amenable, these will be quite capable of being developed sufficiently to serve the Transvaal as well as Lourenço Marques has done in the past. Obviously, a policy of non-co-operation on the part of Portuguese East Africa will not pay that country, nor is it desired by the Union, though it would affect the latter less seriously

The light cruisers of the African Station, says the "Cape Times," are to be reduced to two in number. This will be effected by the withdrawal of the "Huntington," which is presently the flagship, and placing her in reserve. The squadron will then consist of two light cruisers and four sloops and gunboats.

some years in the service of his country in London, where he soon became persona grata.

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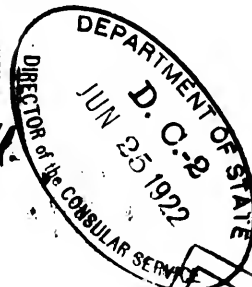
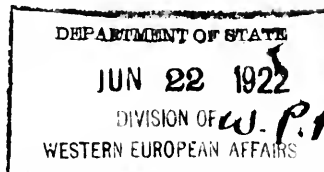
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VOLUNTARY REPORT.

STRICTLY CONFIDENTIAL

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and to M. J. S. S.

JUN 26 1922



Filed.
JUL 12 1922

AMERICAN CONSULATE GENERAL
LISBON PORTUGAL

May 30th, 1922.

NEW CONVENTION BETWEEN MOZAMBIQUE AND THE UNION
OF SOUTH AFRICA

References: Reports entitled "Portuguese Colonial
Problems in South Africa," dated March
15th, March 24th and May 18th, 1922.

FROM CONSUL GENERAL

News which has just been received here in

Lisbon from the Cape of Good Hope indicates that the

negotiations

BY James E. Thomas DATE 7/21/65

- 2 -

negotiations between General Smuts and General Freire de Andrade are not progressing as smoothly as could be desired.

It appears that these two commissioners who are negotiating the new Convention between Mozambique and the Union of South Africa are unable to agree upon the following points: -

(a) distribution of traffic over the Lourenço Marques Railway, as well as the tariffs to be charged on inter-state traffic going over this line;

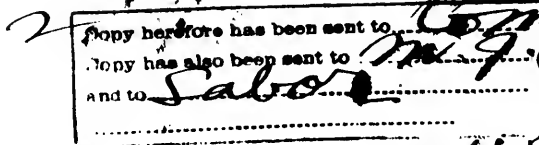
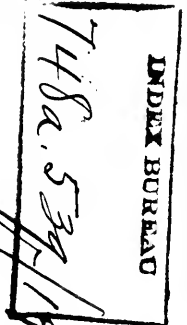
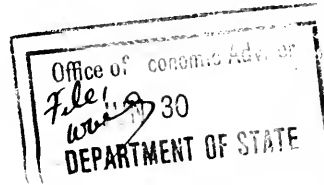
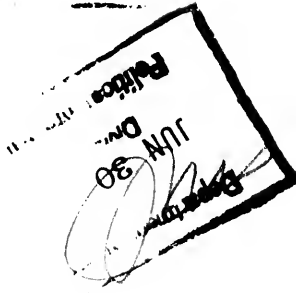
(b) terms under which black native labor may be recruited in Mozambique for service in the Transvaal, as well as regulation covering methods of payment of wages to such laborers and their repatriation to their homes after the terms for which they have been recruited have expired.

General Smuts is known to be a man possessing wonderful abilities as a negotiator and as being of a very conciliatory nature, as well, and it is possible that his powers of persuasion may influence General Freire de Andrade to meet him half way; but, if he does not succeed in this and if General Freire de Andrade (who is known by his friends to be a very determined man) should not recede from his original attitude, there will always be the possibility that General Smuts' followers and advisers may counsel him to break off the negotiations and try some other method for achieving the ends which the South African leaders had in view when the matter of the present Conference was originally taken up and discussed.

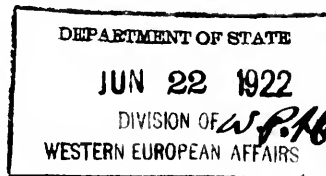
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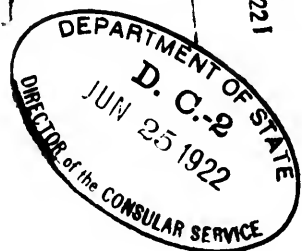
VOLUNTARY REPORT.



W.F.H.
JUN 26 1922



Filed:
JUL 12 1922



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CONFIDENTIAL.

AMERICAN CONSULATE GENERAL.
LISBON, PORTUGAL.

June 2, 1922.

DEPT. OF STATE
JUN 23 1922
ACKNOWLEDGED

CONVENTION BETWEEN MOZAMBIQUE AND THE UNION
SOUTH AFRICA.
PUBLIC FEELING IN MOZAMBIQUE.

References: Reports entitled "Portuguese Colonial
Problems in South Africa", dated March 15,
24, May 18 and 30, 1922.

FROM CONSUL GENERAL,

William H. Hall
It is

-2-

It is rarely that any news from South or East Africa reaches the Lisbon newspapers by cable; consequently, when news from those distant parts is cabled it is upon some matter of very great importance.

The Lisbon newspapers published this morning give considerable prominence to a number of cabled reports which have just been received from Cape Town, Lourenço Marquez and Beira, and from them it would appear that great indignation reigns amongst the better classes of the population of the Province of Mozambique against the attitude which is being taken by the Union of South Africa on the question of the Convention now being negotiated between that country and Mozambique, because it appears to those living in Mozambique that the South African Government is manoeuvring so as to make Mozambique nothing more or less than a dependency of the Union.

The people of Mozambique appear, from these reports, to be of the opinion that the Government of that country should not agree to the furnishing of black native labor for the Transvaal mines for a certain number of years, and that it is preferable this idea be abandoned and that the Mozambique Government should reserve to itself the right to examine this question separately and treat directly concerning it with the authorities of the Transvaal.

This proposed matter, as above stated, of handling the native labor question is being most energetically pressed by Captain Augusto Cardoso, a retired Portuguese

naval

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naval officer, who was for many years the Governor of Inhambane, who possesses large interests in the Province of Mozambique and who for over twenty years has worked most energetically and with considerable success to develop the agricultural resources of that country.

Captain Cardoso, like many other practical land-owners and agriculturists, maintains that as Mozambique has not sufficient native laborers within its own boundaries to fully supply the wants of its own agriculturalists and industrialists, that the annual migration of thousands of picked native laborers from Mozambique to the Transvaal constitutes a most serious drain on the labor resources of the Province, and for which no adequate compensation has ever been, or can be, given by the Transvaal.

It is also reported from the Cape of Good Hope that General Freire d'Andrade, Portuguese delegate to the Conference which is negotiating this new Mozambique-South African Convention, already referred to, has requested that the High Commissioner of Mozambique proceed immediately to Cape Town to assist the General in what is daily becoming a more arduous task for that high official, inasmuch as the demands which General Smuts is making on behalf of the Union from Mozambique are becoming of such a nature that General Freire d'Andrade does not wish to assume alone the responsibility of examining them and deciding himself whether they are to be accepted or rejected.

It is believed that the High Commissioner of Mozambique has requested the necessary authorization from the

Lisbon

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Lisbon Government to proceed to Cape Town, and to remain in that city until after the negotiations over the Convention have been fully concluded.

It has also been reported that great excitement exists among the inhabitants of the port and city of Beira on account of its being generally understood there that General Smuts has also demanded, as a condition "sine qua non" of the Mozambique South African Convention, that the High Commissioner of Mozambique must agree to undertake the necessary public works to enlarge the port facilities of Beira to an extent which will make them equal to those of Lourenço Marques.

The port of Beira is, as is well known, the natural seaport of Rhodesia, which latter country the Union of South Africa has for many years been trying to absorb, as well as for Nyassaland, now that the railway from Beira to the last named colony has been practically completed.

For this reason there exists amongst the British elements, which are very large, of the population of Beira, a feeling of great contentment.

The reports do not say how the Portuguese inhabitants think upon these propositions.

There may be some error in these reports emanating from Beira, as that port is entirely under the control of the Mozambique (Chartered) Company, with the affairs of which the High Commissioner of Mozambique has absolutely no right to interfere; nor can he bind the Mozam-

bique

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bique Company to any course of action such as that
mentioned in the report referred to.

WSH/MS.

File No. 500.

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VOLUNTARY REPORT.

Office of Economic Adviser
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JUL 8 1922
DIRECTOR of the CONSULAR SERVICE

INDEX REFERENCE
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Department of State - 1922
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Division of
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AMERICAN CONSULATE GENERAL.

LISBON, PORTUGAL.

June 14, 1922.

NEW CONVENTION BETWEEN MOZAMBIQUE AND THE UNION
OF SOUTH AFRICA.

FROM CONSUL GENERAL,

W. H. Anderson

There is very little to report upon this subject
this week. According to the advises received here from
South Africa,

DEPT. OF STATE

JUL 8 1922

ACKNOWLEDGED

-2-

South Africa, and these, at least, are very meagre, General Freire d'Andrade is encountering many difficulties and has, in consequence, called the High Commissioner of Mozambique to Cape Town to assist in the negotiations.

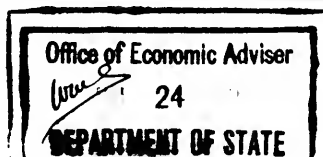
An incident which may have an important influence later on upon Portugal's colonial policy is the return to public life of Colonel Ayres d'Ornellas, one of Portugal's ablest colonial administrators and statesmen, who, up to within a few months ago was proscribed and debarred from taking any part in the politics of Portugal by reason of his - one might say - fanatical devotion to the cause of the deposed king of Portugal, Dom Manoel de Bragança.

Colonel Ayres d'Ornellas, who was, at the last elections chosen as a member of Parliament, has already spoken in the Cortes upon colonial matters, and a few days ago a most representative gathering of his friends and followers, drawn almost entirely from the old aristocratic and high official circles, and numbering some three hundred people had him as their guest of honor at a ceremonious luncheon.

WSH/MS.

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No. 100.

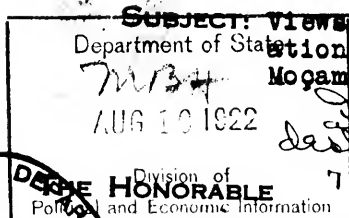


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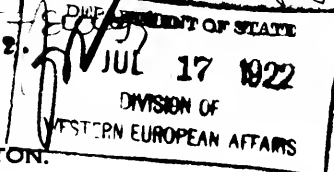
AMERICAN CONSULATE GENERAL,
Lourenço Marques, Portuguese East Africa,
May 16, 1922.

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Instruction in copy of this dispatch to Mr. Wm. S. S. S.

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July 24 1922



INDEX BUREAU
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THE SECRETARY OF STATE,
WASHINGTON.

I have the honor to transmit herewith newspaper clippings, in quintuplicate, taken from the Lourenço Marques Guardian of May 16, 1922, being a statement of the views of the Transvaal Manufacturers' Association in regard to the provisions of the new convention between the Union of South Africa and the Province of Mozambique. There is also attached hereto an article by the Editor of that paper upon the same subject.

FTT:ED
AUG 14 1922

I have the honor to be, Sir,

Your obedient servant,

Samuel L. Thonaker
American Consul.

DEPT. OF STATE
JUL 19 1922

800
Enclosures: Newspaper clippings
in quintuplicate.

Enclosure with despatch
No. 100, dated May 16, 1922.

Lawrence Marques Guardian

LOURENÇO MARQUES, MAY 16, 1922

UNFOUNDED FEARS.

It seems to be generally accepted as a fact that the framing of the new trade and economic treaty between this Province and the Union—to take the place of the agreement at present existing between Moçambique and the Transvaal—will be a somewhat difficult and delicate matter, requiring on the part of those negotiating it qualities of patience and experience, as well as cool judgment and foresight. There seem to be on both sides so many interests that will have to be placated, if they cannot be brought into agreement, that it will only be by the exercise of a spirit of compromise and a frank appreciation of the difficulties existing we may hope to see arrived at a satisfactory agreement which will fully meet the new conditions which have come about during the past decade. That is one outstanding aspect of the question, that a complete change has come over the whole country since these inter-territorial treaties were inaugurated, and in some respects they amount almost to an economic revolution. This was one of the points made the other day at the annual meeting of the Transvaal Manufacturers' Association, when it was emphasised that South Africa was gradually becoming a manufacturing country, and that many of the commodities it used to import it now makes for itself and possibly for export as well. That is what we want to see in this Province, a growing export of colonial manufactured goods through this port, and anything that will encourage that will, we should imagine, be one of the chief features of the new convention. The chairman of the Transvaal Manufacturers' Association, however, sees a danger in a re-adoption of the well known clause which permits the free passage through the customs of each territory of the products of the soil and the industries of both, but we confess the point he makes is a some-

THE NEW CONVENTION.

Transvaal Manufacturers' Views.

Possibilities of the Future.

Speaking at the annual meeting of the Transvaal Manufacturers' Association, the President (Mr. L. S. Skeele, O.B.E.) made the following reference to this Province and the Union:—

The Moçambique Convention, which affects South Africa as a whole, and the Transvaal in particular, is to be reconsidered within the next few months, and therefore I think it is necessary for me to say something from the Transvaal manufacturers' point of view. The vital section from our point of view is, of course, No. 82, which reads as follows: "The products of the soil, or of the industry of the Province of Moçambique, shall not be liable to the payment of any import, export or transit duties in the Transvaal and, vice versa, the products of the soil or of the industry of the Transvaal shall not be liable to any import, export or transit duties in the Province of Moçambique."

It is probable that when the Convention was entered into in 1909, this section was not disadvantageous to the Transvaal. It is not at all clear, however, that a similar clause in any revised Convention would react to the benefit of the Transvaal or the Union of South Africa.

It is no exaggeration to imagine that certain types of manufacturers in order to escape the effect of Union industrial legislation, could, under this section, pass over the border into Portuguese territory and there produce a variety of goods which could enter the Transvaal free of duty, thus doing considerable damage to existing industries in the Union. Such factories would, so I understand, be absolutely uncontrolled in regard to the rates of wages paid, the number of hours worked, the restrictions imposed on the manufacturers of the Union by the Factories Act, Wages Board and apprenticeship legislation, the Works and Machinery Act, and so forth, and must prove a menace to industries established in South Africa and operating under the conditions therein imposed.

Not only does this possibility

were inaugurated, and in some respects they amount almost to an economic revolution. This was one of the points made the other day at the annual meeting of the Transvaal Manufacturers' Association, when it was emphasised that South Africa was gradually becoming a manufacturing country, and that many of the commodities it used to import it now makes for itself and possibly for export as well. That is what we want to see in this Province, a growing export of colonial manufactured goods through this port, and anything that will encourage that will, we should imagine, be one of the chief features of the new convention. The chairman of the Transvaal Manufacturers' Association, however, sees a danger in a re-adoption of the well known clause which permits the free passage through the customs of each territory of the products of the soil and the industries of both, but we confess the point he makes is a somewhat novel one. We can quite understand an objection on the Portuguese side to certain manufactured articles from the Transvaal coming in free whilst similar articles from Portugal are subject to a customs charge. But we are sure it is stretching the effect of the clause too much to suggest that it may result in the establishment of factories here by people who are dissatisfied with industrial conditions in the Union, and that the products of such industries will unfairly compete with those made across the border. If Transvaal manufacturers think that, they cannot know much of the state of things prevailing here—our system of industrial monopolies, our currency troubles, the various indirect restrictions on trade and all the other worries that manufacturers and business men have to contend with. Moreover, the experience of the past is a fair indication of what may be expected in the future. A few industries have been established here, and in some cases their products are sent into the Transvaal, but we have not yet heard of any similar works there closing down as a consequence of competition from this side. Nor are they likely to. We are perfectly sure Transvaal manufacturers need lose no sleep on that score, but the fact that they express such fears shows the clash of interests likely to arise in drawing up the new agreement and the difficulties the negotiators of it will undoubtedly have in trying to please all parties and every interest. As a matter of fact, it will be impossible to do that, and the best we can expect is something not to suit this or that trade interest, but an instrument that will promote the general progress of both countries and the prosperity of its peoples. The accomplishment of that will be a great achievement.

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Not only does this possibility exist so far as concerns the probability of factories being removed from the Union into Portuguese territory, but overseas producers from continental and other countries may feel justified in starting manufacturing operations in Mozambique with the object of supplying this market in competition with Union producers under similar non-restricted conditions as those enumerated.

In general, the imports from Mozambique to the Union to-day are raw products of various kinds, and should any revision of the trade articles of the Convention be made with the object of preventing any unfair competition with industries established in the Union, the continued flow of raw products into South Africa could be maintained, and perhaps stimulated, by an amendment to the Customs tariff, providing for the free importation to the Union of all raw materials not produced in this country, and which are required by local industries.

We have consistently for a number of years recommended the Government to adopt this course, not only in regard to imports of raw materials into the Union, but from other parts of the world also.

We also suggest that the Government should consider the advisability of arranging with the Portuguese Government for such raw materials to be admitted into the Union under a free list, and not be subject to export duty from the territory of Mozambique.

I think I have said enough to show the considerations which will weigh strongly with the manufacturing community of the Union in considering the probable revision of the Convention and its renewal for a period of years. On the high political issues involved, I do not on this occasion desire to express an opinion, but simply wish to draw attention to the possibility which exists of introducing an anomaly which could not but work great hardship and injustice to the established industries of this country.

No. 408

July 24 1922.

The Honorable

Fred Morris Dearing,

American Minister,

Lisbon.

Sir:

There is transmitted herewith, as of possible interest to you, a copy of a despatch, dated May 16, 1922, from the American Consul at Lourenço Marques, Portuguese East Africa, with its enclosures, newspaper clippings concerning the views of the President of the Transvaal Manufacturers' Association, relative to certain provisions of the Mozambique Convention, the renewal of which is under discussion between Portugal and the Union of South Africa.

I am, Sir,

Your obedient servant,

For the Secretary of State:

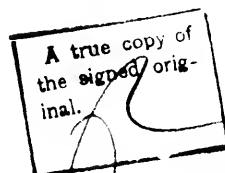
WILLIAM PHILLIPS

3 Enclosures:
Copy of despatch No. 100,
dated May 16, 1922, to-
gether with its enclosures,
from the American Consul
at Lourenço Marques.

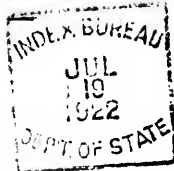
Alvey A. Adeo
July 19, 1922

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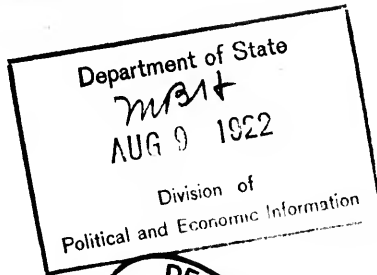


JUL 22 1922

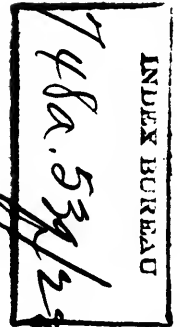


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VOLUNTARY REPORT.



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Filed.
AUG 10 1922

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JUL 24 1922

AMERICAN CONSULATE GENERAL

LISBON, PORTUGAL.

June 23, 1922.

PORTUGAL'S COLONIAL PROBLEMS.

RELATIONS BETWEEN MOZAMBIQUE AND THE UNION OF SOUTH AFRICA.

References: - Reports dated March 15, 24, May 18, 30, June 2, 14 and 16, 1922.

FROM CONSUL GENERAL,

News which has just been received in Lisbon

seems to indicate that the negotiations which have

been

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been taking place in Cape Town between General Smuts and General Freire d'Andrade, for the purpose of negotiating a new Convention between Mozambique and the Union of South Africa, have been completely broken off, with nothing accomplished, and that General Freire d'Andrade has actually engaged steamship passage back to Lisbon for himself and his associates and staff.

The reason given in the Lisbon ~~STATEMENT~~ SECRET - CONFIDENTIAL rupture of negotiations, which is being discussed in a rather heated manner here, is that the South African Government wished to put all of the railway systems in South East Africa, including those in Southern Mozambique, under one management, in which the Province would have a voice, and that the Portuguese delegates rejected this perfectly ^{sound} and reasonable business proposal on the grounds that to accede thereto would be derogatory to the pride and dignity of Portugal inasmuch as it would involve the mingling of foreigners (that is, the South Africans) in the domestic affairs of Portugal's colonies, which this country, as a sovereign state could not tolerate.

So now a deadlock between the two states has been brought about; and the question in every thinking person's mind is "what is going to happen next?"

The Department will probably find in its archives reports from South and East Africa, written a few years after the conclusion of the Boer War, in which it was demonstrated that one of the most necessary steps towards bringing about at that time the economic rehabilitation of that country was the placing of all of its different railroad

-3-

railroad systems under one central and efficiently organized control. This was gradually effected, to the great and lasting benefit of all sections of the Union of South Africa.

But, in these readjustments, the Portuguese railway administrative authorities at Lourenço Marquez did not join, and the Lourenço Marques railway remained accordingly, as a separate and non-allied enterprise, outside of the combined railroad systems of South Africa.

It would now seem that General Smuts, solely for economic reasons and for the good of South Africa - both British and Portuguese - as a whole, has endeavored to bring about this consolidation of railway management and control, which is so necessary for the good of all parts of the country, and that he has been rebuffed, not for economic or business reasons, but because his proposals have ruffled the "amour propre" of the Portuguese delegates, who are probably the most sensitive people in the world on all questions affecting their sovereignty over their African Colonies.

In other words, it would appear as if they imagined they saw hidden away in this perfectly business like proposition of General Smuts, a deeply laid plot to, in the end, filch from them some portion of their East African possessions.

This is truly unfortunate and deplorable, and the best service that the friends of Portugal can render to this country in this present crisis is to assure their rulers, administrators and statesmen that, as far as

can be

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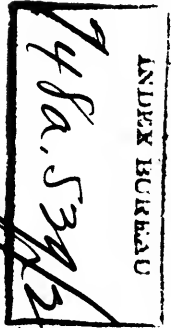
can be ascertained at present, there is nothing derogatory to Portugal's dignity or pride in the proposition concerning its East African railroads which has been propounded by General Smuts.

WSH/MS.

File No. 500.



VOLUNTARY REPORT.



FILED
JUL 31 1922

AMERICAN CONSULATE GENERAL
LISBON PORTUGAL

June 27th, 1922.

PORTUGUESE COLONIAL PROBLEMS

References: Reports entitled "Portuguese Colonial Problems in South Africa", dated March 15 and 24, May 18 and 20, and June 2, 1922.

FROM CONSUL GENERAL

There has lately been evinced in the local press of Lisbon a certain amount of interest concerning "Portugal's Colonial

BY James E. Vinton DATE 7/21/65

- 2 -

Colonial Problems - " not as much as they deserve, perhaps, but still sufficient to show that some people are giving a certain amount of serious thought of these matters.

The general Portuguese point of view upon this subject has been rather well expressed in an article which recently appeared in the "Boletim Comercial e Financeiro", and which reads (translated) as follows: -

"The most important questions discussed in the Portuguese Parliament and in the Lisbon press, during the past weeks, were, without doubt, those concerning the Colonies which, once again, are the subject of public attention and regarding which we have been forced to come to conclusions which are not very satisfactory to our national life.

"Besides the notice of an incidental alteration of public order in Macau, where the majority of the Chinese population lives the habitual life of similar Chinese colonies in other cities occupied by foreign countries, such as Singapore, Saigon, Hong-Kong, Manila, Shanghai, etc., we have to consider the intervention of the High Commissioner of Angola in the modification of the custom duties and shipping taxes of this Province; and we must also not forget the controversy between Mozambique and South Africa so that an agreement may be come to which will either take the place of the modus vivendi of 1901, or the Luso-Transvaalian agreement of 1909, signed for 10 years, and virtually a dead letter at this present time.

" When Lord Milner, after signing the South African

peace

- 3 -

peace in 1901 between the Boers and the British, wished to lay the foundations for a sound economic and industrial system in the Transvaal and the Orange Free State, the two small Boer republics which English arms had just conquered; he required a plentiful supply of the native laborers which only our Province of Mozambique could furnish. If South Africa's commerce depended for the greater part upon the mineral exploitation of the Rand and upon the diamond mines of Kimberley, the native workers furnished in great number by our Province "estimated at that time at 90,000 workmen" constituted the basis of the revival of the great gold bearing center of Transvaal, for without this native labor from Mozambique the mines could not be reopened and worked.

"But the South African ports have never looked with favor on the reciprocal understanding which has existed between Mozambique and Transvaal, which, securing to the Portuguese port of Lourenço Marques, the capital and chief port of Mozambique, a certain proportion of the general over-seas traffic of the interior states, which entered by this port, guaranteed, in its turn, the supplying of the native laborers of which the Boer state was then in great need. Lord Milner had understood well this, at the end of the South African War, and the leading men of the Transvaal also understood these same conditions.

"The constitution of the new British Dominion of South Africa in 1910, altered these conditions; and General Botha's death, as he had always been an eminent friend of our country, contributed to alter that current

of

- 4 -

of sympathy which, for some time, bound the Union to the Province of Mozambique.

"The Great War having contributed to revive the political importance of the various British Dominions in general, and especially those of the South African Union, and gave a more ample autonomy to the Governments of those great British dependences than they had possessed before. Neither does the British Government think itself authorized to interfere in the questions belonging alone to the Dominions, nor would the latter accept with good will such an intervention on the part of the Imperial Government.

" This situation, seen in a general way, tends to acquire still more significant and new aspects, owing to the prestige, character and tendencies of the man who now-a-days represents the greater imperialist spirit of the Union: - General Smuts. This is not the proper place to dwell upon certain subjects; we simply wish to show that, in our opinion, there is but one thing to do: - to solve the material questions of Mozambique by means of a union with certain British interests, which, linked with ours, will represent not only our good intentions to remain faithful to the secular Luso-British Alliance, but also will serve to moderate certain tendencies created and developed in South Africa, in the sense of only one political organization. These are, doubtless, subjects to be developed, but the delicacy
of the

- 5 -

of the matter prevents us from continuing . Is it too late to do so ? By no means.

"Only now are we going to refer to another equally important matter: the alteration, by the High Commissioner for Angola, of the Government customs and duties, which in 1892, was decreed for that Province, to protect the products of the metropolis.

"The Decree of April 1892 (just 30 years ago), which regulated the Government customs and duties of our colonies, has an illuminating preface, attributed to the eminent writer Oliveira Martins, drawing attention to the great market for various countries and specially for ours, and stating in it that the Decree of the 13th August, 1891, regulated the export taxes of the Provinces of the beyond-the-sea in West Africa, with the object of avoiding the disastrous effects for Portuguese shipping and navigation, and the metropolitan commerce, owing to the little differential of exportation in the export taxes established by the anterior Government.

"To-day the situation is modified: the Zaire or the Conventional basin of the Congo, with its merely nominal fiscal rates, permitting the easy circulation of goods, not only along the great river, and also along its important affluents the Quango, Cassai, etc., allowing the transportation of goods to the interior of our Province at more reduced rates; the pacification of the lands in the North of Ambriz, making of Loge or of

its

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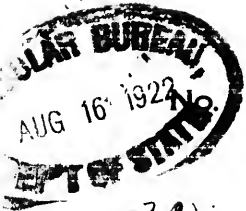
its surrounding roads, a channel of easy access; the South of Angola permitting by means of Walfish Bay or Swakopmund, ways of access, with fiscal taxes, merely nominal; everything, in short, is altered in relation to the conditions prevailing in 1892, not only by the expansive vigor of the non-Portuguese colonies surrounding the Province, but also by the apathy of our commercial organizations in face of that combatant preparation of foreign countries.

"What will happen on increasing the facilities of access to such foreign goods? This is the problem."

File No. 500

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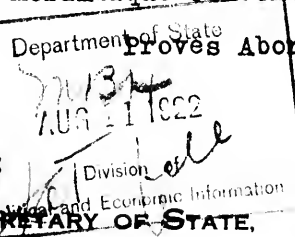
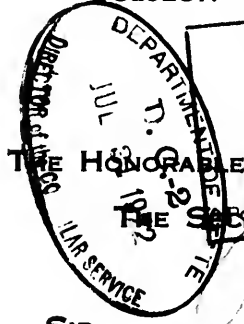
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AMERICAN CONSULATE GENERAL,

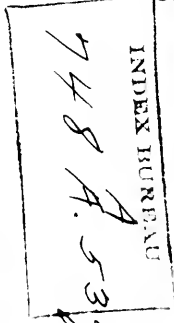
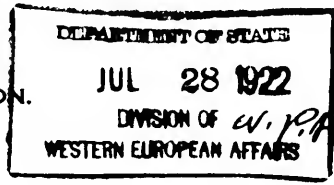
Cape Town, South Africa, June 24, 1922.

JUL 31 1922

SUBJECT: Mozambique Convention Conference



WASHINGTON.



SIR:

I have the honor to inform the Department that the Conference held in Cape Town between representatives of the Union of South Africa and of the Portuguese Government for the purpose of concluding an agreement to take the place of the Mozambique Convention of 1909, which expires on March 31, 1922, proved abortive, and the Portuguese delegates sailed yesterday for Lisbon to place before their Government the views and claims of the Union Government.

While the three main topics of the Mozambique Convention are: (1) the railway agreement by which the traffic between Lourenco Marques and the Transvaal is regulated; (2) the recruiting of native labor in Portuguese East Africa for the gold mines of the Rand; and (3) the equal and unhampered exchange of products between the two countries; the present negotiations were confined almost entirely to the first of these three subjects upon which it was impossible to reach an agreement.

One of the provisions of the present Convention was

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the appointment of a Joint Railway Council on which both Governments were equally represented. This Council proved unworkable, and the Union Government now desires the formation of an autonomous board of control and management which would be responsible for its own affairs very much as the Suez Canal Commission is responsible for the running of the Suez Canal. The Union Government also contended that in order to make the Board really efficient, it was necessary that the members representing the Union of South Africa should be in the majority on the ground that the Union's interests were vastly predominant in this matter.

The Union Government's delegates endeavored to impress upon the Portuguese delegates the importance of the developments which were taking place in the coal industry in the Eastern Transvaal, and that a further development was anticipated in the future. Last year nearly one million tons of coal were exported from South Africa via Lourenco Marques and the Transvaal colliery owners assured the Government that they were in a position almost immediately to treble that exportation. The Portuguese delegates were told that the railway and port facilities at Lourenco Marques are entirely inadequate to cope with such development.

On ~~none~~ none of the questions involved, namely; the appointment of an autonomous board, independent of the two Governments, for the regulation of traffic between Lourenco Marques and the Transvaal, nor on the question of the Union Government securing a majority of the members of this board, were the delegates able to come to an agreement.

If

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If the Portuguese Government will not be prepared to meet the contentions of the Union Government it is very doubtful that a new convention will be negotiated. General Smuts, the Premier of the Union, stated in Parliament yesterday at the conclusion of the Conference that:

"If the Portuguese Government finds it impossible to meet us, then I am afraid it will not be possible to have a convention with Mozambique. It will then be necessary for us to regulate our Union affairs without such a Convention. Rather than make a Convention which once more proves ineffective and a drag upon the development of the country, we are prepared to get along without a Convention. In that case, no doubt, Parliament will have to consider very carefully the interests of the Union and the steps that should be taken in order to secure that development which is for certain coming if we provide for it, and in that case Parliament will probably have to make provision at its next session.

One may say that the negotiations are in a state of suspense, that we have come to what is apparently a deadlock here in Cape Town, but it is possible that after the chief Portuguese negotiator has consulted his Government, the negotiations will be resumed".

It is apparent that the Union Government is

unobstructed control of the traffic of the port of Lourenco Marques and between that port and the Transvaal, and the agreement to an autonomous board on which the Union would have a majority is believed to be the entering wedge which would eventually lead to further control of Delagoa Bay and possibly a permanent acquisition of this territory by the Union. It is also apparent that these possibilities weighed heavily with the Portuguese delegates, and on account of them they could not agree to the formation of the autonomous board as desired by the Union Government.

Lourenco Marques is the natural outlet for the coal and other mineral trade of the Transvaal and the Union Government is anxious to have a direct interest in the development

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development and management of that port. Many of the men who are actively identified with the large coal industry of the Transvaal have repeatedly declared themselves in favor of the acquisition of Dealgoa Bay by purchase or lease, and General Smuts himself informed Mr. B. K. Long, the Editor of the CAPE TIMES, Cape Town, this past week, apropos of the present negotiations, that:: "I will have Lourenco Marques, and if the Portuguese do not come to our terms, then I will have a new port in the Union". (My informant was one of the assistant editors of the CAPE TIMES). The "new port in the Union" General Smuts referred to is St. Lucia Bay - the merits of which are fully described in my despatch No. 3050 of January 31, 1921, (File No. 801.4) and Despatch No. 116 of November 4, 1921. (801.4)

Another South African opinion in favor of the direct control of Delagoa Bay, and which, on account of the individual expressing it having a close connection with the Government of the Union of South Africa, has a marked bearing on this Government's policy, is that of Sir Abe Bailey. Sir Abe controls a large number of extensive coal, tin and other mining properties in the Transvaal, and is a member in the Union House of Assembly for the Krugersdorp District of the Transvaal. He has on various occasions publicly declared that the acquisition of Delagoa Bay by the Union of South Africa, both in the interests of the Transvaal and of Rhodesia, has always been regarded by him as an economic necessity. During last year's session of Parliament Sir Abe Bailey said in the House of Assembly that "unprogressive people were managing the harbor at Delagoa Bay which proved a hindrance

-5-

hindrance to the development of the Transvaal coal fields, and that the Union Government should buy them out, bag and baggage, as soon as possible". Further in the course of an interview granted by him to the London representative of the CAPE ARGUS, Cape Town, in November, 1921, Sir Abe Bailey said:

"The tendency of events in Portugal must, and do, have a retarding influence upon Mozambique. With Portugal in revolution, or on the brink of revolution, her status gradually becomes lower and lower in the eyes of the native, and that is bad from the point of view of development and progress. But from the personal, the white standpoint, it is even worse, for it becomes a source of danger to the rest of South Africa. Indeed, I feel that the time is fast approaching when the white people of the sub-continent will demand the acquisition of Delagoa Bay in order to protect themselves. And this quite apart from other considerations which might logically be urged in justification of such ambition. Delagoa Bay is the port of the Transvaal. Upon it, to a large extent, hangs and hinges the prosperity and expansion of an enormous area of the country. For economic reasons, therefore, it should form part of the Union".

Before closing it may be stated that the conditions since the present Convention was negotiated in 1909, have altered very much. Thirteen years ago the principal question concerned the division of the import traffic, while to-day that question is small compared with the export traffic. The Transvaal is to-day less solicitous with regard to labor, while Natal, which in 1909, was unable to supply the sugar requirements of the Union is to-day exporting sugar, and the Union is to-day no longer dependent on Mozambique sugar.

I am enclosing, herewith, a clipping from the CAPE ARGUS, Cape Town, of June 24, 1922, which gives the Portuguese view of the negotiations of a new Convention.

I have the honor to be, Sir,

Your obedient servant,

Charles J. P. [Signature]
Consul in Charge.

801.4

Enclosure:

From "Cape Argus", June 24, 1922.

P/B.

(Enclosure in Despatch No. 205, dated at Cape Town, South Africa, June 24, 1922). File No. 201.4).

from "Cape Argus", June 24, 1922.

MOZAMBIQUE CONFERENCE

THE PORTUGUESE VIEW.

READY FOR BUSINESS.

NO PREJUDICE TO SOVEREIGNTY

[From a Correspondent.]

The following article gives the Portuguese view of the late negotiations, and is to be regarded as a purely ex parte statement of disputed facts. Those well qualified to judge do not accept the view that the delays that have taken place in providing adequate facilities at Lourenco Marques were unavoidable. They hold that they are traceable to an inherently bad system, and that nothing short of radical reforms will meet the case. Failure to obtain adequate concessions on certain vital points rendered it useless to continue negotiations further for the present.

Although both parties to the abortive Conference have separated in an entirely friendly spirit, the temporary breakdown of negotiations is, I am able to say, a cause of deep regret to the Portuguese delegates. They had been very hopeful of a mutually satisfactory arrangement being come to, but, as the issue stands, conversations have ceased resultlessly after the conducts views were superficially inter-consideration, as General Smuts states, of only one of the three questions which were to have been discussed. This one is the railway question; on the subjects of labour supply to the mines and for exchange of soil products views were superficially interchanged, but there was no probing of either difficulties nor possibilities connected with these two matters.

The Traffic Problem.

The big question was that of equipping the Delagoa Bay port with a plant sufficient to deal with a greatly increased trade and devising, at the same time, an adequate and mutually acceptable scheme of management. The probable expansion of the coal traffic to which General Smuts alludes, was foreseen, and the Portuguese authorities more than two years ago took steps to meet it. Unfortunately, water was struck in the course of the excavations which were necessary to provide foundations for the new buildings and machinery, and the work was thereby seriously delayed. Precisely the same difficulty has obstructed the Durban folk in getting their grain elevators firmly established at a point where ships can lie alongside. However, such troubles have been got over at Delagoa Bay, and it is trusted that in September all will be ready for coping with the bigger traffic, if and when it comes. The existing plant has been

quite sufficient for the trade that has offered in recent months, and, indeed since the passing of the boom. Without extensions Lourenco Marques could not handle the big volume of coal traffic, amounting to four million tons a year, which General Smuts hopes for, but neither could Durban.

The Portuguese authorities were entirely willing to provide any reasonable equipment and also to grant the Union large opportunity of getting the traffic controlled and the general working of the port carried out in accordance with its views. But the Union delegates have made certain demands which the Portuguese representatives did not feel authorised to admit, and these consequently, are being referred to the Government at Lisbon.

How Union Proposals were Met.

The general attitude of the Portuguese representatives can, I believe, be stated as follows:

First they have been willing to go a long way to meet all business requirements of the Union government as to the equipping and working of their port and line, but

Secondly, the object of getting a maximum of traffic and revenue is, with them, subsidiary to the general development and welfare of their Province.

Lastly, they could not extend privileges which might in practice, compromise their political sovereignty or bring it into question.

Hence there can be deduced the unacceptableness of the proposal from the side of the Union for a majority of its own nominees on the Joint Board of management. Beyond doubt this demand prejudices the chances of ultimate agreement. General D'Andrade must not be understood to concur personally in this demand, as one version of the Prime Minister's speech in the House of Assembly might be thought to suggest.

The last of the above three enunciations of the Portuguese view speaks for itself. It is only what the Union would very definitely state to any external Power desiring to make use of its own ports or lines.

Mozambique may be Colonised.

Behind the second condition in the case as viewed by the Portuguese representatives, there lies no other consideration than the obvious one that the Delagoa Bay line and harbour may not remain for all time the one eastern outlet of the Union. On the other hand, the development of the Province as a whole becomes an increasing Portuguese interest, as time goes on. This will inevitably follow from the great cocoa, sugar and ranching potentialities of Mozambique. Much attention has of late years been turned towards them from Portugal, where a policy is coming into favour which, will ultimately, colonise the Province with immigrants from the homeland.

The Joint Board.

In regard to the business interests of the Union at Delagoa Bay, the feeling exists on the Portuguese side that much difficulty might have been saved had the experiment of the Joint Board of Management been given a better trial. From 1913 to 1918, the Board did not meet once, and since 1919 there

CLASSIFICATION CANCELED AUTHORITY LETTER
OF 1-8-58 FROM W. H. ANDERSON, STATE DEP'T
BY James E. Primes DATE 7/21/65

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In quintuplicate.

No. 110.

AMERICAN CONSULATE GENERAL.

Lourenço Marques, Portuguese East Africa,

June 27, 1922.

Department of State

SUBJECT: Negotiations between the Union of
South Africa and Moçambique
suspended.

Division of
Political and Economic Information

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

I have the honor to enclose herewith newspaper
clipping, in quintuplicate, of the Lourenço Marques
Guardian of June 27, 1922, being a statement by
General Smuts, Prime Minister of the Union of South
Africa, in regard to the suspension of the negotiations
which have lately been taking place at Cape Town between
the Union Government and the officials of the Province
of Moçambique.

The statement of General Smuts is so clear that no
comments are made in respect to the breakdown of the
negotiations. There is enclosed herewith comment, in
quintuplicate, of the Editor of the Lourenço Marques
Guardian.

I have the honor to be, Sir,

Your obedient servant,

Samuel D. Hauke
American Consul.

800.

- Enclosures: 1. Newspaper statement
of General Smuts.
2. Comment by Editor,
Lourenço Marques Guardian.

AUG 23 1922

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Department of State

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Division of
Political and Economic Information

THE HONORABLE

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of General Smuts.
2. Comment by Editor,
Lourenço Marques Guardian.

Enclosure No. 1, with
Legation, 10/10/60, dated
June 17, 1960.

MOÇAMBIQUE AND THE UNION.

GENERAL SMUTS' STATEMENT.

Negotiations in Suspense.

In the Union House of Assembly on Friday, the Prime Minister said:—

"I wish to inform the House that the negotiations for a new Moçambique Convention, which have been going on for some time, have not resulted in any agreement being reached between representatives of the Union and the Portuguese Government.

"General Freire d'Andrade was in possession of the views of the Union Government, and understood the whole situation. He was returning to Lisbon to-day, and would lay the whole position before his Government. If the latter were prepared to meet the Union Government, it would be possible to come to a conclusion before March 31, when the present Convention would expire. Otherwise it would be necessary for us to regulate our Union affairs without such a Convention as that which had existed for a long number of years (hear, hear).

"The Government will in the meantime consider the policy which they deem necessary in the interests of the Union in case no new Convention is concluded before that date, and will lay their proposals before Parliament at its next session."

The Prime Minister made a further statement in the Assembly, in answer to General Hertzog, who asked what were the subject matters with which the negotiations dealt.

The Prime Minister explained the present Moçambique Convention was concerned with three large topics, namely: (1) Railway agreement; (2) native recruiting for gold mines; (3) equal and unhampered exchange of products between Moçambique and the Union. The present negotiations had been confined almost entirely to the first of the three subjects, with the object of arriving at a new railway agreement.

On the matter which was the cardinal point of the whole negotiations, it was impossible to come to an agreement, said General Smuts,

we have come to what is apparently a deadlock here in Capetown, but it is possible that after the chief Portuguese negotiator has consulted his Government those negotiations will be resumed. Therefore when Parliament meets next year it may be that we shall have a different tale to tell from what I have told the House to-day, but as things are now I have to say what is a fact that we have not come to an agreement, that the Portuguese Government is being consulted, but that if it should be found impossible to reach an agreement, then the Union will have to consider its own interests in the matter, and the subsequent state of affairs will be laid before Parliament at its next session."

Mr. Fichardt: Does the native recruiting lapse?

The Prime Minister: If there is no agreement then the Government makes no further provision for native recruiting (Nationalist hear, hears). The native recruiting arrangements which exist under the present Convention will lapse. It will be possible for the mines, if they are so advised, to make their own arrangements with the Portuguese Government, but that will be entirely outside of any legal measure which the Government of the Union may take for that purpose.

THE PORTUGUESE ATTITUDE

Capetown, June 24.

(From Our Own Correspondent.)

The "Argus" understands that the general attitude of the Portuguese representatives in regard to the negotiations which have just reached a dead-lock, is that they have been willing to go a long way to meet all the business requirements of the Union Government as to the equipping and working of their port and line, but the object of getting a maximum of traffic and revenue is subsidiary to the general development and welfare of the Province. Moreover, they could not extend privileges which might in practice compromise their politi-

mines; (8) equal and unhampered exchange of products between Moçambique and the Union. The present negotiations had been confined almost entirely to the first of the three subjects, with the object of arriving at a new railway agreement.

On the matter which was the cardinal point of the whole negotiations, it was impossible to come to an agreement, said General Smuts. The Railway Council, which was equally representative of both Governments, which the Convention provided had proved unworkable, really inoperative, and the Union Government had been making a serious attempt to make a reality of that Council in the new Convention.

Referring to the Transvaal coal industry, General Smuts said that the coal exported last year via Delagoa Bay totalled a million tons, and "the colliery owners assure us they are in a position almost immediately to treble that exportation."

But the railway and port facilities at Delagoa Bay were entirely inadequate to cope with such development, an immediate development which meant the trebling of the industry and beyond that prospects still greater. In recent years it had been found that the coal pits in the Eastern Transvaal were probably one of the most valuable assets of this country. Referring to the need for development of mining in other directions to replace the decline of the gold industry, General Smuts declared that it was for that reason that the Government was extremely anxious to see that port facilities at Delagoa Bay were such as to be able to cope with this development. "The existing Board, which we established under the Convention, has proved unable to be a real instrument for developing our transport and traffic. We maintain that the Board should be reformed and become independent of both Governments. The present Board consists practically of nominees of the Governments, and their resolutions are always subject to ratification by the Governments before they come into force."

General d'Andrade, added the Premier, was in favour of the views of the Union, and was going back to Lisbon to lay the whole matter before his Government. He hoped the Portuguese Government would be able to meet us, but, if not, it would be necessary for us to regulate Union affairs without the connection with Moçambique.

The Prime Minister, proceeding, said: "Rather than make a Convention which once more proves ineffective and a drag upon the development of the country, we are prepared to get along without a Convention. In that case no doubt Parliament will have to consider very carefully the interests of the Union and the steps that should be taken in order to secure that development which is for certain coming if we provide for it, and in that case Parliament will probably have to make provision at its next session. However, it is not necessary to do anything at this stage."

"One may say that the negotiations are in a state of suspense, that

they have been willing to go a long way to meet all the business requirements of the Union Government as to the equipping and working of their port and line, but the object of getting a maximum of traffic and revenue is subsidiary to the general development and welfare of the Province. Moreover, they could not extend privileges which might in practice compromise their political sovereignty or bring it into question."

General Freire d'Andrade must not be understood to concur personally in the Union Government's demand. The feeling exists on the Portuguese side that much of the difficulty might have been avoided if the experiment of a Joint Board of Management had been given a better trial. As regards the question of the free exchange of products of the soil, the Portuguese are understood to favour reciprocity. At present Moçambique imports more from the Union than the latter takes from it. Furthermore, it is unquestionably the wish of the Portuguese that the peoples of the two territories should live and work amicably together, avoiding encroachments on the interests of each other.

A PRETORIA VIEW.

The "Pretoria News" says: Those who profess to read the signs of the times have realised for some weeks that the negotiations over the new Moçambique Convention have been going none too smoothly. The State visit of the High Commissioner of Moçambique to the Governor-General of the Union was a significant move. That visit brought His Excellency on to the spot where the negotiations were taking place, and the announcement that now the negotiations have been broken off, for the time being at any rate, and that Dr. Brito Camacho is returning to the seat of his Government goes far to confirm suspicions which his original programme aroused. It cannot be denied, of course, that in regard to Moçambique relations the interests of the Union are varied, and that while here it is almost essential and certainly desirable that they should exist, there they are held not to be even desirable. Truly, the Government has a task before it of great complexity. In the circumstances the suspension of the negotiations is not entirely an unmixed blessing. They will, no doubt, as we have good reason to believe, be resumed later on in the year. When they are resumed the Government will be free of the worries of a Parliamentary session which, in view of the revolution and the Provincial controversies, has been more worrying than ever. In the calmer atmosphere of Pretoria it will be possible to do far more effective work.

FEELING IN PORTUGAL.

(From Our Own Correspondent.)

Lisbon, June 25.

The problem of Moçambique was the subject of an interesting discussion.

(Continued at foot of next column.)

mines; (3) equal and mutual exchange of products between Moçambique and the Union. The present negotiations had been confined almost entirely to the first of the three subjects, with the object of arriving at a new railway agreement.

On the matter which was the cardinal point of the whole negotiations, it was impossible to come to an agreement, said General Smuts, The Railway Council, which was equally representative of both Governments, which the Convention provided had proved unworkable, really inoperative, and the Union Government had been making a serious attempt to make a reality of that Council in the new Convention.

Referring to the Transvaal coal industry, General Smuts said that the coal exported last year via Delagoa Bay totalled a million tons, and the colliery owners assure us they are in a position almost immediately to treble that exportation."

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FEELING IN PORTUGAL.

(From Our Own Correspondent.)

Lisbon, June 25.

The problem of Moçambique was the subject of an interesting discussion (Continued at foot of next column.)

sion in the Chamber of Deputies on Thursday.

The Minister of Colonies explained at length the reasons of the breakdown of the negotiations for a new agreement, and he was supported in his attitude by all parties in the Chamber, including the Monarchists.

The fact that all the parties in Parliament are supporting the Government on such an important matter has created a good impression in the country.

Enclosure No. 2, with
despatch No. 110, dated
June 27, 1922.

LOURENÇO MARQUES, JUNE 27, 1922

CHECK.

In the important statement he made in the Union Parliament the other day, General Smuts described the negotiations between the Portuguese and Union representatives regarding a new commercial Convention as being in "a state of suspense." That word has now a wider application in view of the situation the deadlock has created, because where there is suspense and uncertainty stagnation and trade depression inevitably follow. The economic position here has for nearly two years now been going from bad to worse, and it most certainly will not improve until the future is more clearly definable than is the case at present. For that reason we sincerely hope a settlement will be arrived at with no more delay than is necessary to thoroughly consider and appreciate the important issues involved. What those may be as affecting the prosperity and development of this port most people here realise, but we are afraid there is not an equal appreciation, generally speaking, across the border of the importance of this ocean outlet to the most progressive and most highly developed part of the Union. There are quite a number of sectional interests there that would hail with satisfaction the scrapping of any treaty with this Province, and even on the day of the temporary break-down of the negotiations we had an illustration of this in the request made by the South African Manufacturers' Congress that before being finally assented to any agreement arrived at

should be submitted for the consideration of that body. There is an intense jealousy and suspicion everywhere of any expansion here, and it is quite possible that because of this the Union delegates have been compelled to make their demands higher than otherwise would have been the case. Perhaps when it is realised that the alternative to non-acceptance is the necessity for embarking on the expensive speculation of a new port, which will require many years of work to make it available, there may be a chance for counsels of moderation and compromise; at any rate, we have still sufficient confidence in the common sense of both contracting parties to refuse to believe they will go to such an extremity as to permit any attempt at an unnecessary duplication of facilities already in existence, and which can be fully utilised if reason prevails on both sides. So far as we can gather, the Union contends that as they provide the bulk of the trade for the port, their interests are predominant here, and it is certainly a nice point whether the trader, say, who owns a business is the most important factor in it, or whether his customer who maintains its existence should wield the most influence. But that problem should not be beyond solution, nor should the more delicate question which suggests that the fullest provision of business requirements cannot be met without compromising national honour or political sovereignty. It ought not to be beyond the ability of statesmanship to securely entrench those considerations and still devise a satisfactory scheme which will permit the fullest expansion of trade for a mutual advantage. That is the essential fact, that the Union does really need the facilities that are or could be available at this port for the development of its industries, and this Province is dependent for a considerable share of its prosperity on the revenue, direct and indirect, contributed by trade and traffic fed from that source. That being the case we sincerely trust the bad start made with the Convention negotiations will be followed by a satisfactory ending.

AUGUST 18, 1922.

No. 416

The Honorable

Fred Morris Dearing,

American Minister,

Lisbon.

Sir:

With reference to previous correspondence relative to the Mozambique Convention, there are transmitted herewith, for your information, one copy each of despatches Nos. 110 and 111, of June 27 and 29, 1922, from the American Consul at Lourenço Marques, with their enclosures, newspaper articles concerning the breakdown of the recent negotiations looking to the framing of a new convention.

I am, Sir,

Your obedient servant,

For the Secretary of State:

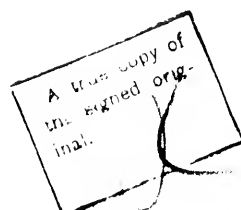
LELAND HARRISON.

5 Enclosures:
Copies of two despatches,
together with their en-
closures, from the Ameri-
can Consul Lourenço Marques.

748a.53q/25 and 26.

DR-1210K
WE

Alvey A. Adee
AUG 15, 1922.



748 A. 53
25

In quintuplicate.

No. 111.

AMERICAN CONSULATE GENERAL

Department of State

AUG 10 1922

Division of
Political and Economic Information

SUBJECT:

Convention Negotiations.

Lourenço Marques, Portuguese East Africa,

June 29, 1922.

Chas. Converse
Colly Tait Com

*Instruction to Am. Cons.
Sisler with copies of this
dispatch + enclosure*

8/14/22 WE

THE HONORABLE
August 18 1922
THE SECRETARY OF STATE.

WASHINGTON.

DEPARTMENT OF STATE
D. C.-2
AUG 21 1922
SIR:
DIRECTOR of the CONSULAR SERVICE

DEPARTMENT OF STATE
AUG 14 1922
DIVISION OF
WESTERN EUROPEAN AFFAIRS

INDEX BUREAU
148a.5394

I have the honor to transmit herewith, in quintuplicate,
newspaper clipping taken from the Lourenço Marques Guardian
of June 29, 1922, relative to the negotiations between the
Government of the Union of South Africa and the Province
of Moçambique in connection with the renewal of the Moçam-
bique Convention.

I have the honor to be, Sir,

Your obedient servant,

Samuel H. Housaker
American Consul.

800.

Enclosure: Newspaper clipping,
in quintuplicate.

Enclosure with despatch
No. 111, dated June 22, 1929



22.

• 5

CONVENTION NEGOTIATIONS.

THE PORTUGUESE VIEW.

Ready for Business.

(From a Correspondent.)

The following article gives the Portuguese view of the late negotiations, and is to be regarded as a purely ex parte statement of disputed facts. Those well qualified to judge do not accept the view that the delays that have taken place in providing adequate facilities at Lourenço Marques were unavoidable. They hold that they are traceable to an inherently bad system, and that nothing short of radical reforms will meet the case. Failure to obtain adequate concessions on certain vital points rendered it useless to continue negotiations further for the present.

Although both parties to the abortive conference have separated in an entirely friendly spirit, the temporary breakdown of negotiations is I am able to say, a cause of deep regret to the Portuguese delegates. They had been very hopeful of a mutually satisfactory arrangement being come to, but, as the case stands, conversations have ceased resultlessly after the consideration, as General Smits states, of only one of the three questions which were to have been discussed. This one is the railway question; on the subjects of labour supply to the mines and for exchange of soil products views were superficially interchanged, but there was no probing of either difficulties or possibilities connected with these two matters.

The Traffic Problem.

The big question was that of

Mozambique May Be Colonised.

Behind the second condition in the case, as viewed by the Portuguese representatives, there lies no other consideration than the obvious one that the Delagoa Bay line and harbour may not remain for all time the one eastern outlet of the Union. On the other hand, the development of the Province as a whole becomes an increasing Portuguese interest as time goes on. This will inevitably follow from the great cocoa, sugar and ranching potentialities of Mozambique. Much attention has of late years been turned towards them from Portugal, where a policy is coming into favour which will ultimately colonise the Province with immigrants from the homeland.

The Joint Board.

In regard to the business interests of the Union at Delagoa Bay, the feeling exists on the Portuguese side that much difficulty might have been saved had the experiment of the Joint Board of Management been given a better trial. From 1918 to 1919 the Board did not meet once, and since 1919 there has again not been a meeting. The Mozambique authorities would willingly have seen the members frequently convened, for they would thus have had better hope of getting the traffic more nearly adjusted to the ratios in the Treaty. Certain delays and difficulties which were an inconvenience to the Union might also have been rectified. As things fell out, the Conference had before it a somewhat irritating list of troubles, all belonging to the past.

Question of Mutual Trading.

On the question of the free exchange of soil products, what the Portuguese favour can, I think, be described by the one word "reciprocity." At present their Mozambique Province imports more from us than we take from it, so that the balance of trade, in an exporter's view, inclines in our favour. They don't want to know how far the

...but there was no probing of either difficulties or possibilities connected with these two matters.

The Traffic Problem.

The big question was that of equipping the Delagoa Bay port with a plant sufficient to deal with a greatly increased trade, and devising at the same time an adequate and mutually acceptable scheme of management. The probable expansion of the coal traffic, to which General Smuts alludes, was foreseen, and the Portuguese authorities more than two years ago took steps to meet it. Unfortunately, water was struck in the course of the excavations which were necessary to provide foundations for the new buildings and machinery, and the work was thereby seriously delayed. Precisely the same difficulty has obstructed the Durban folk in getting their grain elevators firmly established at a point where ships can lie alongside. However, such troubles have been got over at Delagoa Bay, and it is trusted that in September all will be ready for coping with the bigger traffic, if and when it comes. The existing plant has been quite sufficient for the trade that has offered in recent months, and, indeed, since the passing of the boom. Without extensions Lourenço Marques could not handle the big volume of coal traffic, amounting to four million tons a year, which General Smuts hopes for, but neither could Durban.

The Portuguese authorities were entirely willing to provide any reasonable equipment and also to grant the Union large opportunity of getting the traffic controlled and the general working of the port carried out in accordance with its views. But the Union delegates have made certain demands which the Portuguese representatives did not feel authorised to admit, and these, consequently, are being referred to the Government at Lisbon.

How Union Proposals Were Met.

The general attitude of the Portuguese representatives can, I believe, be stated as follows:

First, they have been willing to go a long way to meet all business requirements of the Union Government as to the equipping and working of their port and line; but

Secondly, the object of getting a maximum of traffic and revenue is, with them, subsidiary to the general development and welfare of their Province.

Lastly, they could not extend privileges which might in practice compromise their political sovereignty or bring it into question.

Hence there can be deduced the unacceptableness of the proposal from the side of the Union for a majority of its own nominees on the Joint Board of Management. Beyond doubt this demand prejudices the chances of ultimate agreement. General d'Andrade must not be understood to concur personally in this demand, as one version of the Prime Minister's speech in the House of Assembly might be thought to suggest.

The last of the above three enunciations of the Portuguese view speaks for itself. It is only what the Union would very definitely state to any external Power desiring to make use of its own ports or lines.

procity." At present their Moçambique Province imports more from us than we take from it, so that the balance of trade, in an exporter's view, inclines in our favour. They don't much mind how far the Union might like to apply this reciprocity formula; that is to say, that while they would have to examine the possible effect on certain of their own industries of a free exchange union, they would certainly consider it in a sympathetic spirit. It is unquestionably their wish that the peoples of the two territories shall live and work amicably together, each pursuing, as is right, its own interest, while avoiding encroachment on that of the other.

GEN. FREIRE D'ANDRADE HOPEFUL.

"An Agreement Certain."

In a brief conversation with a representative of the "Cape Times," before he sailed for Lisbon, last Friday, General Freire d'Andrade said he was certain that an agreement would be reached, the geographical position of the Union and the Province of Moçambique being such that the two countries must always be on friendly terms.

He was returning to Europe to discuss the matter personally with the Portuguese Government, as he thought this would be more likely to bring about an early settlement than having recourse to the interchange of communications by cable, which might result in misunderstandings and delay.

The General added that he might be back in South Africa within a couple of months.

CONVENTION BREAK- DOWN.

OPINION IN THE UNION.

COAL THE FACTOR.

The "Pretoria News" says:—

The statement made in the House of Assembly by the Prime Minister yesterday relative to the position regarding the negotiations for a new Moçambique Convention indicates that the deadlock was on the very first but, of course, the most important of the points brought under discussion, namely, that for a railway agreement. On this point, certain proposals have been made by the Union which, apparently, overstep a line beyond which the Portuguese representatives are not empowered to go. Nothing was said about the opinions of Colonels Sá Carneiro and Galvão and Mr. Bianchi, nor of those of the High Commissioner of Moçambique who seems to have entered into the later stages of the negotiations, but the Prime Minister stated that the Union point of view is at any rate acceptable to General Freire de Andrade, the chief delegate, who is proceeding to Lisbon for the express purpose of advising the Portuguese Government so to extend the powers of the Commission that the claims of the Union can be met. The other two points, which refer the one to native labour and the other to the terms on which the products of each country shall be imported,

(Continued on page 6.)

Handwritten signature

have yet, it would seem, seriously to be discussed and it follows, therefore, that, in the event of the port and railway tangle being straightened out, the two parties will again confer later in the year and, presumably, in Pretoria. What likelihood there is of Lisbon accepting the views of General Freire de Andrade is a matter of speculation, but in view of the announcement that the Prime Minister proposes to make a tour of Zululand at an early date and on the spot enquire into the possibilities of a new Union port and of a railway from the coal-fields thereto, it is to be assumed that the success of General Freire de Andrade's mission is doubted at any rate by the Prime Minister. On the other hand there is the fact, as the Prime Minister says, that the negotiations have broken down, that the existing Convention has now very few months to run, and that it is imperative on the Government to safeguard the Union's export trade in coal. Obviously, coal being the leading factor, port facilities as near as possible to the coal-fields must be secured. Only the Zululand coast apparently can be considered in this connection. If, however, the port of Lourenço Marques has to be ruled out entirely then general port facilities for the whole of the northern and western areas of the Union, approximating in proximity and in cost to the consumer to Lourenço Marques, will be needed. The new port, therefore—if we are to have one—must be as near the northern Zululand boundary as circumstances, such as the lay of the land and the cost involved and also, to some extent, the time which construction work would take, permit. The most northern area is Kosi Bay. Kosi Bay, it may be recalled, was journalistically, and not very fairly, hoisted as a counter to Lourenço Marques before the negotiations for a new convention had even been embarked upon and before, therefore, there was any reason to believe that, when it came to actual negotiation, the Portuguese would fail to meet our just and reasonable needs. We now have the factor that was missing then. One section of our press seems at any rate most excellently to have appreciated events before they occurred, as Mr. Balfour would say. In any case the duty of the Government is plain, and there will be general agreement with the Prime Minister on his declaration that the question of making the Union independent of the Lourenço Marques Port and Railway will be considered. We ourselves, however, doubt if the Portuguese will allow matters to get as far as that. General Freire de Andrade has always been held to

port facilities are essential. Such facilities could, of course, be provided by the Union within its own borders by opening a harbour at Kosi Bay or some suitable spot in the neighbourhood. The building of a new harbour would, no doubt, demand a considerable expenditure and would take some time, but it is an attractive idea and in the long run would be more advantageous to the Union than a policy of relying upon a foreign port. Delagoa Bay has the advantage of an established equipment but from a purely Union point of view it has obvious disadvantages. A large and valuable area of the Union is served by a harbour and railway over which the Union can exercise no control and thus there is no guaranteed that the policy which the Union considers necessary for the development of its resources will be carried out.

It may yet be possible to arrange a renewal of the Mozambique Convention on lines which will give the Union an assurance of the facilities which it regards as essential. Such an agreement would no doubt be the easier and less expensive course to pursue at the moment, but the Union Government would be unwise to ignore future possibilities, though a long way ahead, merely for the sake of saving a certain amount of expense and trouble today.

IMPORTANCE OF THE PORT.

"The Friend" (Bloemfontein) says:—

The negotiations between the Union Government and the representatives of the Portuguese Government in connection with the Mozambique Convention have broken down. They have done so, it may be gathered from the Prime Minister's statement, because, naturally enough, both Governments desire to be masters in their own countries. But there is a vital difference between the two positions. Economically, Delagoa Bay is dependent for its continuance as a port of any size upon the trade of the Union. The Union, however, is not similarly dependent upon Delagoa Bay. The latter is very convenient, but the fact is that the Union can make itself quite independent of the port facilities offered by the Portuguese. Unless, therefore, the latter are prepared practically to accept the terms of the Union the latter would serve its own interests best by proceeding to develop another port. If we are to be economically independent, we may as well start on our own doorstep.

[So far as we have seen the above are the only comments that have appeared in the Union Press on the

that was making them. One section of our press seems at any rate most excellently to have appreciated events before they occurred, as Mr. Balfour would say. In any case the duty of the Government is plain, and there will be general agreement with the Prime Minister on his declaration that the question of making the Union independent of the Lourenço Marques Port and Railway will be considered. We ourselves, however, doubt if the Portuguese will allow matters to get as far as that. General Freire de Andrade has always been held to be amongst the most level-headed of Portuguese statesmen and his national pride has never been questioned. If, therefore, he is convinced that the Union Cabinet has asked for nothing that is not reasonable then we may be sure that the Portuguese legislature will not be acting indiscreetly—always its greatest fear—in accepting our proposals. That it is to the joint interests of the Union and the Province of Moçambique that there should be the most active trade relationship between the two countries is beyond all question. Apart from the factors we are all most familiar with, we must not forget that a very great amount of Union capital is invested in Lourenço Marques in the form of branch establishments of our big importing firms, and that this money was there invested on the ground that Lourenço Marques offered advantages to Union shippers and on the assumption that Moçambique and the Union would always be in legal agreement. But, of course, the dominating factor is the coal export trade, and the importance of that is eloquently conveyed by the assurance given the Prime Minister to the effect that the colliery owners are in a position almost immediately to treble the trade which they are now doing. If port facilities are not there then clearly the industrial and commercial development of the country is being seriously handicapped, and by the same token, of course, the Portuguese are turning away profitable traffic.

AN ADVOCATE OF KOSI BAY.

(From Our Own Correspondent.)

Johannesburg, June 27.

In the course of a leading article on the breakdown of the Moçambique negotiations, the "Daily Mail" states that reading between the lines of the Prime Minister's statement one concludes that the breakdown was due to the Portuguese delegation being unable at the moment to assent to an arrangement which would guarantee the railway and port facilities which the Union Government considers necessary, particularly in view of the possible development of the coal traffic from the Eastern Transvaal. On this point we think that the people of the Union will give General Smuts unanimous support. The expansion of the coal export trade is a matter of very great importance to South Africa and in order to foster that business favourable railway and

upon the trade of the Union. The Union, however, is not similarly dependent upon Delagoa Bay. The latter is very convenient, but the fact is that the Union can make itself quite independent of the port facilities offered by the Portuguese. Unless, therefore, the latter are prepared practically to accept the terms of the Union the latter would serve its own interests best by proceeding to develop another port. If we are to be economically independent, we may as well start on our own doorstep.

[So far as we have seen the above are the only comments that have appeared in the Union Press on the breakdown of the negotiations—Ed. Guardian].

and Silva, Dr. Pinto Coelho and Bello, Roothman and McKenzie, Hennessey and Haywood, Lewis and Bayly, Robbs and Hawke (Senior) Liddle and Evans, Honey and Rennert, Hurley and Harris, Simpson and Anderson, Salema and João Pinto Coelho, Allan and Oates, Green and Mc Dornan. (Last year there were 15 entries).

Ladies Singles.—Mrs. Scorgie, Mrs. Bean, Miss. Main, Mrs. Haywood, Mrs. Botting, Mrs. Craig, Mrs. Evans, Mrs. Liddle, Miss. Kellar, Mrs. Webster, Miss. Versfeld, Mrs. Bayly, Mrs. Appleyard, Miss. Foote, Mrs. Baird, Mrs. McDornan, Mrs. de Gruyter, Miss. Mc Hardy. (Last year there were 5 entries).

Men's Singles.—Harris, Biddington, Kisch, Roothman, da Silva, Bello, McKenzie, Oates, Herbst, Hennessey, Lewis, Robbs, Evans, Turner, Gordon, Honey, Liddle, Rennert, Dr. Pinto Coelho, Haywood, Hurley, Simpson, Hawke (Senior) Salema, Bayly, Hawke (Junior) João Pinto Coelho, Mc Dornan. (Last year there were 23 entries).

GREMIO NAUTICO.

An informant tells me he was present at the ball given last Saturday night at the above Club, which was in honour of the aviators who flew to Rio de Janeiro. Whilst there he nosed out one of the Committee gentleman who very kindly showed him over the Club. He was struck and agreeably surprised with this up-to-date institution, fitted out with all modern conveniences. He drifted into the boat hold with the Committee gentleman, who remarked that the only missing links at present were crews to constantly man the boats. He hoped, now that the trams were running to Polana beach the missing links would disappear. My informant of course does not wish to convey that there are no crews at present, there are, but not enough of them. The only qualifications necessary to enable anybody to make use of the boats at any time are membership and the passing of a very light coxswain examination. There will be two or three aquatic sports meetings this year and it is hoped that some of the young fellows will come forward and go into training for these. Should any one require further particulars I shall be glad to furnish them through these columns.

In Quintuplicate.

No. 287.

AMERICAN CONSULATE GENERAL

Cape Town, South Africa, July 19, 1922.

SUBJECT: Mozambique Convention and New Port

In Zululand.

Office of Economic Affairs
DEPARTMENT OF STATE

Department of State

AUG 31 1922

THE HONORABLE
Division of

Political and Economic Information

THE SECRETARY OF STATE.

WASHINGTON.

SIR:

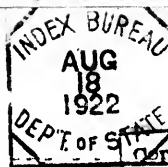
Referring to [my Despatch No. 263 of June 24, 1922,

on] the subject of the Mozambique Convention Conference,

I now have the honor to inform the Department that the Union Government has secured the services of Sir George Buchanan of England, who will shortly visit South Africa and prepare a plan for the construction of a new harbor on the North Zululand Coast. Apropos of this announcement the NATAL ADVERTISER of Durban in its issue of July 14, 1922, has the following editorial comment to make:

"It has been said in some quarters that the talk about a Zululand port is part of the bluff put up against the Portuguese Government in the matter of the Mozambique Convention. Whether this is so or not, the Government knows best. What is apparent, however, is that these repeated references to a Zululand harbor are likely to prove more disturbing to Durban than would be an actual announcement by the Union Government that such a port was going to be constructed. Mozambique Convention, or no Mozambique Convention, we doubt very much whether, if the Government declared its intention to sink three or four million pounds in a new harbor in Natal, it would have public opinion behind it. Certain interests in the country would undoubtedly, support the scheme because it would benefit them directly. Others would support it, we fear, because it might adversely affect Durban and put a period to the progress of this center. Yet the country as a whole is in no temper to embark on vast capital outlays on a speculative enterprise that cannot

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possibly show any return in the next decade at least, an enterprise, furthermore, that is bound for a time to react adversely on the fortunes of this town. The monotonous and unending chant about what South Africa is going to be in the next generation is ceasing to convince and is rapidly beginning to bore. One looks around for evidences of any actual progress here and now and the evidences are few and inconclusive.

So far as the Zululand proposal is concerned the Government will have the greatest difficulty in justifying its venture purely on a coal handling basis. There is no evidence that Durban has reached anything like its maximum capacity in handling coal traffics, indeed, the presumption is the other way. With an adequate railway service (a double track throughout and that thereafter electrified) Durban could handle all the coal that Natal at least can produce for many years to come. If this is not the Government's own opinion, why has it committed itself to the partial electrification of the Northern Natal road. Kosi Bay, assuming this to be the selected site for the Zululand venture, will ultimately absorb all the coal traffic from northern Natal and though not thus materially justifying its existence will wound shrewdly the premier port of this Province. Nor will it be content with coal traffic, its tendency will be towards general shipping and its competitive role will result in two mediocre ports on the Natal coast instead of one highly efficient one".

I have the honor to be, Sir,

Your obedient servant,


Consul in Charge.

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P/B.



In quintuplicate.

No. 130.

~~CONFIDENTIAL~~



AMERICAN CONSULATE

Lourenço Marques, Portuguese East Africa,

August 2, 1922.

SUBJECT: Newspaper comment relating to
the Mocambique Convention.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to quote, without any responsibility on the part of this consulate for the opinions and conclusions expressed therein, an editorial which appeared in The Beira News of July 14, 1922, entitled "The Conference and Its Lessons".

"It is now clear that the Union Press was hopelessly at sea with regard to the vital aspect of the case for Portugal in the negotiations which broke down at Capetown, for we learn that the only alternative to the negotiations coming to an end was the peremptory submission of the Lisbon delegate to GENERAL SMUTS' demand for the virtual control of the port and railway of Lourenço Marques. Once such a claim as this were admitted all would have been plain sailing - the Swaziland line would be put through, and the idea of spending ten millions in an effort to make Kosi, Sordwana, or St. Lucia lagoons into a port for the boycotting of Delagoa Bay would be dropped. Durban would protest, of course, at the utilisation of a "foreign" port at its expense, but it would be told that the Cape ports had already been made to understand that their real business was to cater for the development of their back country and not to look to the overseas Rand trade, already considerably less in value than it was up to a few years ago, as the chief reason for their activities. As it was impossible, however, for GENERAL ANDRADE to assent to the Union gaining a substantial foothold at Delagoa Bay there was no alternative but to refer the decision to Lisbon. We do not know what the latter will now say to the proposition of GENERAL SMUTS, but we can realise how

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"the Union would retort very sharply to any power, be it small and weak, or great and strong, that claimed the administration of one of its own harbours and the railway connecting it with some point in its hinterland. On the other hand, we could understand GENERAL SMUTS making an out and out offer for Mozambique, or any part of it, even if he knew he would be told that such a deal was quite out of the question. But this suggestion that positive sovereign rights should be relinquished on the plea that the present owners were unable to provide proper facilities for the exploitation of a coal export trade --- whose extent, be it noted, cannot possibly be guaranteed by anybody --- smacks of the use of the big stick which GENERAL SMUTS himself lost no opportunity of whittling down when the countries of the world were concerned with the settlement at Paris. That, at any rate, is how the Portuguese must regard this extraordinary proposal, and we do not see how they can be blamed for it. The same sort of policy is being presented in respect of Rhodesia, where the people of the country, who have helped to make it what it is, are undergoing the weafing process of browbeating argument and of subtle suggestion to join up with the Union.

"Coming back to the position as regards Delagoa Bay, we think the question has not been looked squarely in the face by GENERAL SMUTS and his colleagues. It is admitted that during the past year certain difficulties undoubtedly arose in the matter of coal export. The authorities, however, are making an effort to put these right, and are confident that in less than six months the port of Delagoa Bay will be in a better position than Durban to deal with any coal traffic that may offer. There is a fear, moreover, that the trade so confidently regarded by GENERAL SMUTS as certain may not materialise to anything like the extent to which he optimistically imagines it will do in the near future. Unfortunately the Delagoa Bay Administration has already had some experience of the port not getting what it is entitled to in respect of the import traffic. The port provides all facilities to handle goods to the extent of anything between 40,000 and 80,000 tons a month, but all that the Transvaal now gets in through Delagoa Bay is from 5,000 to 6,000 tons monthly, while no desire has been expressed on the part of the Union Government to indemnify the Administration for the loss sustained in providing facilities --- at their request or that of their predecessors in the Transvaal --- which are not being made use of. Is there not some risk of a similar state of affairs accruing with regard to the export of coal --- at any rate for the next few years ? Before any great developments in

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"this connection are likely to come about it seems to us that costs of production and railway freights will have to come down considerably. Those connected with the mines, and others in the Transvaal, view the whole position in a different light to that taken at Capetown, and it would not surprise us to see a change come about eventually in the attitude of the Union Government. So inexorable, however --- to use a comparatively mild expression --- was the attitude of GENERAL SMUTS at Capetown that the Portuguese delegates felt that anything they might propose in reason to meet the case would be so much trouble thrown away. It remains, then, to see what Lisbon will do; but it can hardly make any concession on the point on which the negotiators parted company at Capetown. All we need say now on the general question is that if Portugal desires to come to a friendly agreement on a reciprocally-just basis, in order that both countries may benefit from the friendly understanding that should subsist between neighbours each of whom can help the other materially for the benefit of both, the Union Government --- or rather GENERAL SMUTS--- must withdraw the demand for a measure of sovereign rights at Lourenço Marques. For that, whatever may be said to the contrary, is what the proposal for a Board of Control, with the Union delegates in the majority, undoubtedly comes to."

The Beira News of the same date also contains the following editorial entitled "Applying The Screw" :

"GENERAL SMUTS has lost no time in making good his threat to isolate Delagoa Bay unless his demand for control be acceded to, for a cable which has just reached us conveys the announcement that a noted harbour engineer is leaving England immediately for the purpose of finding a port on the Zululand coast for the export of coal --- presumably Transvaal coal. On the face of it, this looks as if GENERAL SMUTS meant business, but we still say that the game is hardly worth the candle and is part of a most unfriendly determination to force the Portuguese Government into line with the Union. GENERAL SMUTS does not require an engineer from England to assure him that a port cannot be made between Durban and Delagoa Bay except at an enormous sacrifice of money for a minimum of advantage to the Union. He knows this quite well, but it is his way of forcing people to bend to his design of extending the vogue of the Union. He declared the other day that the Union has no borders; but whatever he meant was taken more literally than he imagined by others than the Portuguese, for in the Congo there is arising a fear that nobody is safe from the suspected intention of the Union Premier to carry his authority as far northwards as possible. That is the sort of thing Africa is now up against --- Imperialism in a disguise capable of being changed with lightning rapidity into something

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"far different than its reputed appearance suggests. If Portugal be wise it will now let GENERAL SMUTS go his own way in search of a Zululand port, and invite the Delagoa Bay Administration to put all its energy into opening up Mozambique to intense development with the valuable asset it possesses for that purpose in an abundant native labour supply. The cable for our London correspondent intimating that Congo copper is to be brought to Beira for export for at least another eight years --- after that it will go to Matadi, in the Congo estuary --- is a bull point for the Responsible Government Party in Rhodesia, for even if the Rhodesian railways were in the meantime to be purchased by the Union for political reasons the South African Railways would be unable to deviate the export to Port Elizabeth without the consent of the Union Minière and that would hardly be given simply to suit the expansive plans of GENERAL SMUTS".

I have the honor to be, Sir,

Your obedient servant,


American Consul.



In quintuplicate.

No. 131

AMERICAN CONSULATE.

Lourenço Marques, Portuguese East Africa,

August 3, 1922.

SUBJECT: Debate in the Portuguese Parliament
at Lisbon with reference to the
Mozambique Convention.

Lisbon
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AMERICAN CONSUL
WASHINGTON

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to transmit herewith newspaper clipping, in quintuplicate, relative to a debate in the Portuguese Parliament at Lisbon concerning the Mozambique Convention, which is taken from to-day's Lourenço Marques Guardian.

There is also attached hereto an editorial of this paper of the same date.

I have the honor to be, Sir,

Your obedient servant,

Samuel H. Houder,
American Consul.

800.

Enclosures: As stated.

SEP 12 1922

Filed.

Enclosure with despatch
No. 131, dated August
3, 1923.

THE MOÇAMBIQUE CONVENTION.

DEBATE IN THE LISBON PARLIAMENT.

Sacredness of Portuguese Sovereignty.

(Special to the "Guardian.")

Recent Lisbon papers to hand contain reports of debates both in the Chamber of Deputies and in the Senate with regard to the breakdown of the negotiations for a new Union-Moçambique Convention. The matter was also widely commented on in the Portuguese Press, which throughout gave its support to the attitude adopted by the Portuguese delegation at Capetown in refusing to entertain the Union Government's proposal for an independent Railway and Harbour Board at Lourenço Marques with a Union majority therein.

The discussion in the Chamber of Deputies arose out of a question put by a Democratic member, who requested the Colonial Minister to explain to Parliament and the country what the position was that had led to the failure of the negotiations at Capetown.

The Colonial Minister, Senhor Rodrigues Gaspar, acceded immediately to this request, and gave a detailed account of the Union Government's proposals, stating that the Portuguese delegation had submitted a counter-proposal whereby Moçambique undertook to carry out all necessary works and improvements in connection with the Lourenço Marques railways and harbour so as to comply fully with the Union's present and future traffic requirements, and at the same time granted the Union the supply of native labour from the districts to the south of latitude 22 degrees. Proceeding, the Minister said: "From the very beginning the Portuguese Government has shown uninterruptedly its loyal purpose in co-operating in the development of the Union's hinterland. It might at the utmost tolerate the existence of the Joint Railway Board which functioned under the 1909 Convention, but it could never permit such a board as a dominating force in our administration. Gen. Smuts having declined to accept the Union's proposal in the Por-

rates, and stated that the Union had shown little willingness to deal with the question when it became necessary to rectify the position in favour of Lourenço Marques so as to give this port its proper share of the competitive area traffic. If any side had a right to complain, it was assuredly Moçambique.

The speaker referred next to Gen. Smuts, saying: "I render homage to his personality. I know him personally, but this will not debar me from declaring that the conditions he had laid down in the course of the recent negotiations are not only exorbitant, but harmful to our sovereignty."

Continuing, Dr. de Castro spoke of the Transvaal mines, and asked what would be their position without the Portuguese native labour. He concluded: "From the moment the Union adopts an uncompromising attitude, I have no option but to applaud every measure which may be taken to safeguard our sovereignty. Moçambique possesses powers and resources which enable her to re-establish her prestige. I give my entire support to the views expressed by the Minister for the Colonies, and in agreement therewith I have endeavoured to make the following statement, which expresses what I have stated:

Whereas the Convention to be negotiated must not be harmful to the sovereignty and prestige of the nation;

Whereas the Province of Moçambique has largely contributed to the development of the Union and has at all times facilitated the intercourse of the Union with the outside world

Whereas the interests of the Union of South Africa can be taken into account without abatement of the legitimate rights and interests of the Province of Moçambique and curtailment of Portuguese sovereignty;

Whereas the Province of Moçambique has always fulfilled in their entirety the clauses of the Convention now denounced;

The Chamber proceeds to the order of the day."

Several members of the Liberal and Democratic parties spoke in support of the Government's policy, after which the Colonial Minister wound up the debate with the following declaration: "In my opinion, and I say so frankly, it will be better for the Province of Moçambique to be free from any agreement binding her to any undertakings which might prevent her from de-

BY *James E. Smith* DATE *7/2/46*

at the utmost, tolerate the existence of the Joint Railway Board which functioned under the 1909 Convention, but it could never permit such a board as a dominating force in our administration. Gen. Smuts having declined to accept the views expressed in the Portuguese memorandum, the High Commissioner of Moçambique gave him a guarantee that, with or without a Convention we would continue to maintain most friendly relations with our neighbours, to which the Union Premier replied that such also was his desire. Negotiations were thus brought to a standstill, which does not mean that they cannot be re-opened at any time, provided the rights of our cause are recognised."

Senhor Gaspar went on to show that right through Moçambique had fulfilled the obligations contracted under the Convention of 1909, this in spite of the fact that it had suffered by the non-observance of certain rights granted it by that agreement. He emphasised that the labour supplied by Moçambique to the Transvaal had been the means of contributing to the development of that country's mineral wealth, whereas, on the other hand, it had hindered the progress of Southern Moçambique and prevented assistance being given to the important sister colony of S. Thomé. His Excellency, who was repeatedly applauded, concluded his statement thus: "We entered the Great War because we recognised the rights of the nations and the sovereignty of all states. We shall hold, cost what it may and at the price of whatever sacrifice, to the need of our rights being recognised. Never, with the assent of my vote, shall I permit the predominance of another administration in what is ours. We are ready to make all sacrifices for the common good, but with the proviso that our sovereign rights be recognised."

The Monarchist leader, Senhor Aires de Ornellas, said he felt it a privilege to be the first deputy to speak on the matter after the Minister. He would do so not as a party man, but as a Portuguese. He would place himself on the side of the Government and would accord it his whole support and confidence to deal with the question at issue. In such a matter, he declared, Monarchists stood as one man in support of the Government.

Dr. Alvaro de Castro, leader of the Reconstituent Party and former Governor-General of Moçambique, began by stating that the Union had not the right to say that the Portuguese were incapable of fulfilling their engagements, inasmuch as Portugal had, even at the sacrifice of her own interests, carried out in their entirety the obligations she had assumed under the existing Convention. Proceeding, he alluded to what had taken place in the matter of the readjustment of railway

support of the Government's policy, after which the Colonial Minister wound up the debate with the following declaration: "In my opinion, and I say so frankly, it will be better for the Province of Moçambique to be free from any agreement binding her to any undertakings which might prevent her from devoting herself freely to the expansion of the riches of her own soil and the opening up of new railway routes and other means of communication. Meantime I wish to state that it has been a great pleasure to me to see all sides of the House united in their views and in their support of the attitude adopted by the Government, thus clearly showing to the world how much we prize our sovereignty."

The Minister was loudly acclaimed on resuming his seat. Dr. de Castro's motion was then put and carried unanimously.

IN THE SENATE.

The matter was raised in the Senate by Dr. Augusto de Vasconcellos, the leader of the Liberal party, who enquired what was the attitude of the British Government in face of the position disclosed by the failure of the Capetown negotiations.

The Minister for Foreign Affairs replied that the Government of their old ally had the firm intention of doing justice to the Portuguese nation.

The following motion was then tabled by Dr. Xavier da Silva, Senator for Moçambique:

"Whereas the Province of Moçambique has not stopped short of any sacrifice in fulfilling strictly and loyally the clauses of the Convention entered into in 1909, with the Union of South Africa, now under notice of denunciation;

Whereas if the Province of Moçambique has contributed to the progress and wealth of the Union, it is not equitable that the latter in her turn should aspire to the curtailment of the legitimate rights and interests of Moçambique;

Whereas it would be even less equitable, in face of the rights pertaining to the nations, to attempt to prejudice the sovereignty of Portugal;

The Senate proceeds to the order of the day."

Representatives of all the parties in the Senate expressed themselves in agreement with the policy followed by the Government, the motion as submitted was adopted unanimously.

Speaking on behalf of the Government, the Foreign Minister thanked the Senate for its expression of support and confidence, and declared that the country could rely on the courageous patriotism of the Portuguese delegates in the defence and maintenance of the national sovereignty.

Enclosure with despatch
No.131, dated August 3, 1922.

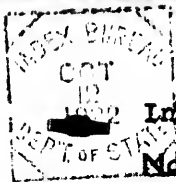
Lourenço Marques Guardian

LOURENÇO MARQUES, AUG. 3, 1922

DOUBT AND DELAY.

The special article we publish to-day dealing with the discussion in the Lisbon Parliament on the suspended Convention negotiations will possibly serve to remind all sections of this community of the importance of the issues at stake, and of the danger of permitting such a problem to drift about in the turbid waters of political sentiment, instead of a serious and sincere effort being made to find a satisfactory settlement. We are afraid it is not yet generally appreciated that the economic isolation of this Province would, for a time at any rate, spell industrial and commercial stagnation, with all its unfortunate consequences of trade restriction, unemployment, individual distress, and that whilst the prosperity of the Province might in the future be re-established on other foundations than those which may now be shattered, such a process of reconstruction will probably be a long and tedious one, and its happy results by no means so certain as some people imagine they are likely to be. Equally so, it is an undoubted fact that in the Union there is a great amount of ignorance as to the importance of the port of Lourenço Marques and its unquestionable place, by reason of its tremendous natural facilities, in the general South African economic scheme, and there is too much of a disposition when its resources are under consideration to dismiss them with a parrot-like reiteration of the remark that this is a foreign port. Even so, Lourenço Marques has played a great part in the past in the development of the northern part of the Union, and the mere fact

that it is a Portuguese asset can never form a justifiable ground for discounting its great geographical advantages, and seeking to replace them by facilities far more costly and inevitably less efficient. For our own part we can see no justification at all for another port between this place and Durban, and we cannot understand any Government proceeding with such a project until the two great harbours already existing have reached the limit of their development. It does not follow, of course, that the Union Government is not serious in its intention to sink its own, or someone else's, millions in the mud of the Zululand swamps. It has plenty of precedents for following such a course, notably in southern Natal, where years ago a port was constructed for tapping the trade of a huge back country, the traffic from which has for years passed it by and found an outlet in Port Natal. The same thing may possibly happen in northern Natal, and the only difference will be that while the experiment is being tried the settled channels of trade will be artificially interfered with to the detriment of this place. That we do not want to see, and we hope no time will be lost in exploring every avenue likely to reveal a solution of the problem and securing the future prosperity of this port. A great point was made in the discussion in Lisbon of the contention that the Union's proposals constitute an encroachment on the Portuguese sovereignty of this Province, and if that is so, there must be a great amount of sympathy for the sentiment which finds expression in a desire to protect national prestige and honour. So far as we can gather, however, the Union Premier disclaims any such idea, and that being so, we repeat what we have said before, that statesmanship has fallen to a low level if it is incapable of devising means for maintaining and improving inter-Colonial trade relations which have existed for half a century, whilst satisfactorily safeguarding on either side an enduring spirit of friendship and a legitimate feeling of national pride on the part of both parties to an agreement. The only objection against this port because it is not British ought to be ruled out of consideration—the one should be acknowledged freely and the other should not exist at all—and both sides should come to grips with the main business proposition that neither can conveniently do without the other, and a common prosperity lies in a mutual recognition of joint interests and a desire to unitedly develop them to the utmost extent possible for the benefit of both.



In quintuplicate.

DEPARTMENT OF STATE
OCT 13 1922
DIVISION OF
WESTERN EUROPEAN AFFAIRS

Office of Consular Affairs
NOV 8 1922
DEPARTMENT OF STATE

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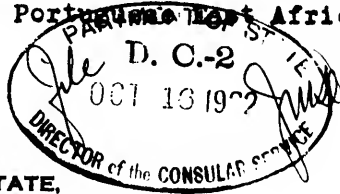
AMERICAN CONSULATE.

71602

OCT 13 1922
Lourenço Marques, Portuguese East Africa,

August 28, 1922.

SUBJECT: Developments in the Political
Relations of the Union of South
Africa, and Portuguese East Africa.



THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON

SIR:



I have the honor to submit the following report on
the developments in the political relations of the Union
of South Africa.

Since the denouncing of the Mozambique Convention of
1908, which will consequently expire in April of next
year, and the failure of the negotiations at Capetown
for a mutually satisfactory revision of it, as previously
reported by this Consulate, there have been no formal
or public efforts toward renewing the conference. It is
generally believed, however, that there will shortly be
a renewal of the efforts to reach an agreement.

The Portuguese attitude as voiced by the Lisbon
parliament, is that it stands ready to effect all desired
improvements in the port of Lourenço Marques, but that
there must be no question of the control being Portuguese.
There is a very general feeling that the majority demanded
by the Union of South Africa, on the board controlling
the railway and harbor, would simply mean the beginning
of the end of Portuguese sovereignty, for once in power

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NOV 16 1922
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the majority of opinion is that the British interests could never be displaced.

The objection to the proposals of General Smuts on sound grounds of policy is further strengthened by the wound that such a development would give the national pride of the Portuguese. The feeling is to say the least sensitive in this respect, and although there is some discussion in private of the possibility of forcible seizure of the port by South Africa, there is very little sign of yielding on the sovereignty point of the question.

On the other hand there is small doubt that the financial position of the Portuguese Government of the Colony is precarious. The receipts of the year 1920-21 were more than sufficient to meet the current needs of the government; but the small surplus was wiped out and a deficit of 221,621\$73.5 Escudos gold created by the few improvements undertaken. The following are the figures:

Revenue 1920-21	Escudos: 16,079,208\$76.5
Ordinary Expenditure 1920-21	12,457,103\$44
Extraordinary Expenses principally minor public works	<u>3,843,733\$06</u> 16,300,835\$50
Deficit:	221,626\$73.5

Without a loan there seems to be no possibility of undertaking any of the constructive programs which are under discussion, much less any which the stipulations of a new convention would undoubtedly require. General Smuts is reported to have for the present blocked attempts to secure a loan in Great Britain, in an effort to bring the Portuguese Government to terms, and to have asserted

-that-

- 3 -

that he would also prevent securing one in the United States. So far as is known no serious effort to secure a loan in the United States has as yet been made, and it is not likely that there will be until affairs have been brought to a more definite stage than at present.

General Smuts is also threatening the construction of a rival port to Lourenço Marques. Of the various possible sites for this port, such as Swordana Bay, Richards Bay, and Lake Sibaya, the most favored at this time is Kosi Bay. Many believe that the construction of a satisfactory harbor rivaling in any way Lourenço Marques at any of these places is entirely impossible without the outlay of millions quite disproportionate to the results obtained or any possible traffic. The holders of this opinion believe that General Smuts is merely bluffing.

The fact remains, however, that he has brought Sir George Buchanan, K.C.I.E, of the engineering firm of C. S. Meik and Buchanan, consulting Engineers of Westminster, London, out from England to give expert advice on the Kosi Bay project. Preliminary railway surveys have already been made and a very satisfactory route across Swaziland to this region has, it is reported, been discovered.

The political position of General Smuts in the Union of South Africa, is also an important factor. If the plebiscite, which takes place in Rhodesia shortly results in the adherence of that territory to the Union, his position will be greatly strengthened and he will be free to deal with the Lourenço Marques situation.

-At-

BY James E. Trimas DATE 7/21/65

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At present it would appear that the local Portuguese authorities had still further played into his hands by the stringent currency law which has just been enacted to go into force on September 1, 1922. This law forbides the importation, exportation, or use of foreign currency in commercial transactions within the province. The only exception made is that sight drafts on London, Johannesburg and Pretoria, may be allowed in payment of certain harbor and customs dues.

This law is aimed primarily at the South African Union currency in which all important business transactions have hitherto been carried on, and is an attempt to restore the badly depreciated Portuguese Escudo to its former position.

The firms hardest hit are the two British banks, and next to them a number of other British firms, which have for a long time dominated the local commercial world. How prejudicial to their interests the law will eventually prove remains to be seen, but it is bitterly resented by them as a direct blow at their business, and in the same way appeals to the Portuguese national sentiment as a reassertion of their sovereignty, and a promised relief from the distressing currency situation, which has been handicapping business and increasing the cost of living.

It is expected that the measure itself as well as the suddenness with which it has been put into force will be used by General Smuts to silence his critics in the Union, as an example of the treatment British business must expect as long as the harbors and railways are not under their control.

If negotiations are not again resumed, or matters reach a deadlock, allowing the convention to lapse, it

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- 5 -

will undoubtedly go hard with both sides. Boycotting Lourenço Marques by a heavy customs tariff on goods brought in through it would mean ruin for it as a port, since the trade of the Portuguese Territory environing it is insignificant, but the Transvaal also would suffer, though probably less, as the port of Durban would remain open to it, which is even now securing nearly half the transit trade.

The only weapon in the hands of the Portuguese is the labor they supply the mines, but to stop it would be quite as ruinous for them by cutting off the supply of money brought in by the returning laborers, as it would for the mines, which are apparently already taking steps to guard against eventualities, by increasing the percentage of "Cape Boys", employed as compared with those from Portuguese territory.

On July 31, 1922, there were employed in the Transvaal gold mines 91,724 natives from British South Africa, as against 75,516 from Portuguese territory, as compared to 87,677 South African, and 73,761 Portuguese on July 31, 1921. Forbidding the natives to go to the mines would also be slow of effect for most of the Portuguese go for a term of 18 months, and a certain number could be induced to renew their contract, and there would also be some who would slip across the frontier which would be difficult and expensive to guard.

On the whole the British seem to hold the stronger position in the negotiations, but the probabilities seem to be that when the question of a new convention is again raised, as it may be expected to be after the

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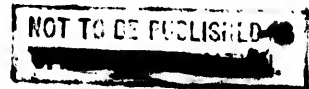
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result in Rhodesia is known, some compromise more or
less satisfactory to both sides will be reached.

I have the honor to be, Sir,

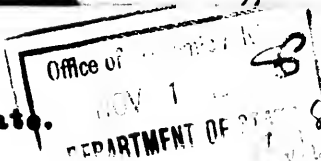
Your obedient servant,

Cecil M. Cross
American Consul.





In quintuplicate.
No. 5.



Department of State

AMERICAN CONSULATE,

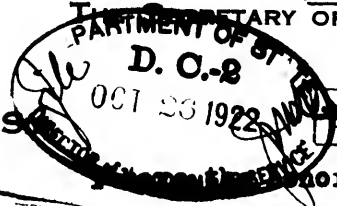
Lourenço Marques, Portuguese East Africa, Division of
Political and Economic Information
September 18, 1922.

SUBJECT: Extension of the Mozambique
Convention Controversy to Beira,
and the effect of the new Currency
Law.

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Copy has also been sent to C. L. S.
and to Ex. - Sleep

THE HONORABLE

THE SECRETARY OF STATE,



WASHINGTON.

OCT 26 1922

~~STRICTLY CONFIDENTIAL~~

I am honored to report that there is every
indication that the controversy between the Union of
South Africa and the Portuguese Government over the
control of the harbor and railways of Lourenço Marques,
growing out of the denunciation of the Mozambique
Convention, will be extended to Beira, and the Beira
Railway should Rhodesia in its referendum on October
27, 1922, decide to join the Union.

According to the terms offered to Rhodesia by the
South's government, the Union is to take over the Rhod-
esian Railways. It has been the general opinion and
the one uttered on several occasions semi officially
by the Union that this would involve the taking over
of the Beira Railway and its rights in the Harbor at
Beira.

Early this month the Portuguese paper Manica
and Sofala, in what appears to be an inspired article,
asserts that this will not be possible without the
express consent of the Portuguese Government, which
it is implied will not readily be given.

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OCT 28 1922

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At present the Beira Railway is operating under a contract with the Companhia de Moçambique, made in 1891, which gives them the right of railway construction in the territory of the company, and of constructing and exploiting accessible wharves in Beira. The Portuguese insist that any change in this contract, such as that involved in the transfer of the Rhodesian Railway to the Union of South Africa, will not be valid without the approval of the Portuguese Government. This attitude will bind the Beira question to that of the Moçambique Convention.

No apparent progress has been made toward effecting any agreement with regard to Lourenço Marques and the Convention. The Lisbon telegram saying that a *Modus Vivendi* had been reached, is so far as known without foundation. General Smuts is not expected to take any important steps until after the Rhodesian referendum. The Union project for the development of a harbor at Kosi Bay is, however, under investigation by Sir George Buchanan, who is at present going over the ground.

General Freire d'Andrade, who conducted the negotiations at Cape Town, according to a reported interview in Lisbon, in July, declares that the Transvaal trade is not worth making any further sacrifices for, and that there can be no thought of impairing Portuguese sovereignty. He asserts that it has been a mistake to spend money on the Port of Lourenço Marques, and to permit the native labor to go to the Transvaal mines. It would have been much better to concentrate this money and energy on the active development of the resources

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of the colony itself. It is time that this policy was altered, and if the Union has any desire to develop Lourenço Marques, let the Union provide the funds, but the control of the port must without any question remain Portuguese.

Both sides would, it is believed, find such a policy very costly. It would appear that Kosi Bay is impracticable as a harbor scheme, and it is difficult to see how the Portuguese Colony can exist financially without its Transvaal connections, although they seem disposed to try.

The new currency law forbidding all business transactions in other than Portuguese money, was not, as far as there is any evidence, intended to inaugurate a commercial war on the Union, although there is a considerable body of opinion that believes so. The law, however, has developed into a trial of strength between the Union and Portuguese East Africa.

The British Banks have suspended business, and even the simple drawing of a small sum of money on deposit in the Banco Nacional Ultramarino, is a matter of a full hour, whereas drafts on either London or Johannesburg are a matter of days, and in many cases are refused. Drafts on India, or other foreign countries are unobtainable. The Banco Nacional Ultramarino on which the full burden of the local business has been thrown seems to lack both the financial resources and foreign connections to deal with the situation. For the success of the law, the satisfactory functioning of this bank is vital, and there is no indication that it will be able to carry the burden.

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The British importing firms have cancelled orders for goods almost in toto, are denying all credit to customers, and are requiring cash payments. Many Portuguese concerns alarmed at the course events are taking, have followed their example. The steamship companies are seriously planning to curtail or abolish their services. Trade in general is approaching a standstill, and the cost of living is rising rapidly while the Portuguese escudo depreciates steadily.

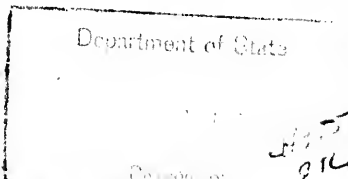
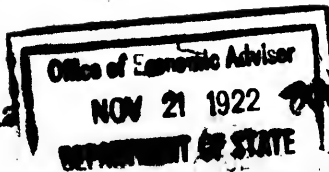
The enforcement of the law has so far been unrelenting, and there seems to be every disposition to eliminate so far as possible all foreign and especially British firms from the province. As matters are now going, it can only be a matter of a short time before the Government will be faced with the loss of revenue from harbor, transit, and customs dues to such an extent that it will find itself unable even to pay its salaries, which are already falling in arrears.

The British losses have already been very heavy, and will be still greater if no accord is reached soon, but it seems that the Portuguese must soon face the choice between yielding both on the question of currency and to some extent on the question of the convention, or of seeing Lourenço Marques go back to the veld and jungle.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. Cross
American Consul.



AMERICAN CONSULATE.

Lourenço Marques, P.E.A., October 14, 1922.

SUBJECT: Reported Renewal of Negotiations
concerning the Mozambique Convention.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

The editor of the Lourenço Marques Guardian has informed me privately that he has received cable advices from Lisbon that the Portuguese Government there has appointed a commission consisting of the former governors of Portuguese East Africa to negotiate directly with the British minister at Lisbon, for a new Mozambique Convention. It is understood that the British minister will act in close consultation with the authorities of the Union of South Africa.

This report if true indicates that the matter has been taken out of the hands of the local authorities, who it is generally felt have allowed too much personal venom and jealousy over the currency situation to be injected into the question to permit them to reach a satisfactory adjustment of the points at issue.

In harmony with this report concerning the renewal of the negotiations, is the new proposal made by General Smuts in the course of a speech at Bloemfontein. In it he suggested that if the Portuguese were not willing to admit a British majority on a harbor and railway board, and were themselves unwilling or

unable

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unable for financial or other reasons to develop Lourenço Marques as a port sufficiently to meet the requirements of the Transvaal, it might be possible for them to lease a portion of the harbor and shore to a British chartered company. In this case it would be possible to find the funds needed to develop the port's facilities to the desired extent.

How this proposal will be received by the local Portuguese cannot yet be ascertained, but it seems to offer a means of avoiding the question of national honor and sovereignty which has been one of the most difficult at issue.

The stress, however, laid by the South African spokesmen on the unsatisfactory facilities of the port, is as a rule much too great. Certain vexations and delays, usually attributable to changes in policy, or alterations in tax schedules must be admitted, but the unloading apparatus and berthing accommodations are ample to handle all the traffic in prospect. Deepening the channel would render the port available for vessels of deeper draught, but at present the ordinary large freighter can readily enter except at low tide.

The coal loading facilities are also more than sufficient to handle any traffic now offering or likely to offer in the near future. During the rush at the time of the British coal strike, the tipple proved quite inadequate, but the loss in favor caused by the poor quality of some of the Transvaal coal shipped at that time, has so curtailed the market for it, that the present loading tipple can handle four or five times the present traffic.

Moreover, a new tipple capable of handling 600 tons

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an hour will be completed and in operation within a few weeks. Then it will be possible to load 15,000 tons a day at this port, which is considerably more than the railways of the Union of South Africa can at present bring down from the mines, unless all other traffic were to be stopped. No market for any such quantity of Transvaal coal is in sight even should the Australian coal strike prove serious enough to open the far eastern markets to it.

It is the opinion, however, of those best in a position to know locally, that regardless of the outcome of the negotiations for a new convention, the project for a new harbor at Kosi Bay for coal and the products of the low veld country will be carried out. If the negotiations succeed it will be done leisurely. If they fail it will be rushed to completion. Sir George Buchanan has visited Kosi Bay, but has not yet formally reported on the feasibility of the project, which will certainly involve an expenditure of millions of pounds.

The currency situation which has been obscuring the Convention problem, and engendering bitterness on both sides is still without material alteration. The conference of bankers and government representatives at Pretoria was abortive. The British banks refused to resume operations as long as the law compelled them to use exchange rates fixed by their competitor, the Banco Nacional Ultramarino. This bank on the other hand contended that the obligations of the government to it amounted to such a sum, rumored to be £370,000, that as long as they could not be repaid, its position was jeopardized to an extent that rendered the law its only hope. In its determination to stand firm, it

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was supported by the government, and apparently by the majority of the Portuguese opinion.

The government has also virtually yielded on the question of requiring the laborers returning from the Transvaal mines to change their pounds for "Libras". As yet it is not actually compulsory but pressure is exerted to such an extent that the great majority of them do change their wages. The effect of this change of policy is to some extent already apparent in a slight decrease in the difficulty of obtaining drafts on Johannesburg.

According to the Banco Nacional Ultramarino's own published statement, during the six weeks which the law has been in operation, it has issued drafts in excess of the "cover" in its possession to the amount of £103,000 and 15,000,000\$00 escudos. This statement is intended to reconcile the public to the persistent refusal on its part to issue drafts except in unusual circumstances. The violent fluctuation in the escudo which in three days dropped from 108 to the "Libra" to 87 to the "Libra", has still further demoralized the little business, other than the forwarding trade to the Transvaal, which is still going on.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. P. Cross
Cecil M. P. Cross.
American Consul.

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No. 18



AMERICAN CONSULATE,

Lourenço Marques, P.E.A., October 21, 1922.

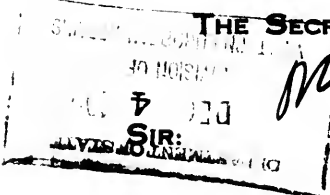
748a.538

SUBJECT: Composition of Commission for Negotiation
of New Mozambique Convention.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.



INDEX BUREAU
748a.538/33

In amplification of Despatch No. 12, dated
October 14, 1922 from this Consulate with regard to
the reported appointment of a Commission in Lisbon
to negotiate a new Mozambique Convention, I have the
honor to report that as reported in the local press
the composition of this Commission is as follows:

Senhor Ernest Vasconcellos. A Portuguese Geog-
rapher of high reputation. He is the author
of numerous articles on the necessity of har-
mony with the Union of South Africa, if both
it and the Province of Mozambique are to enjoy
the fullest prosperity.

General Freire d' Andrade. A former Governor
of the Province. He was in charge of the abortive
negotiations at Capetown last summer. He is
fully alive to the importance of the Transvaal
trade, but is opposed to infringing Portuguese
sovereignty, in order to secure it. He has
said that the Union itself should pay for the
development of the port, and that the Portuguese
should concentrate their resources on developing
the Province itself.

Senhor Alvaro Castro. The reputed author of the
Currency law which has been such a source of fric-
tion between the British and Portuguese elements.
He was formerly Governor of the Province.

Colonel Maessano de Amorim. A former Governor of
the Province. Has the reputation of being a
cautious administrator.

Colonel

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DEC 6 1922

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Colonel Sa Carneira. The engineer of the Commission.
He is said to advocate the careful cultivation of the
Transvaal trade.

It is perhaps worthy of comment that none of the Por-
tuguese press has as yet made any comment on the Commission,
and that the British has been very cautious in its statements.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. P. Cross
Cecil M. P. Cross.
American Consul.

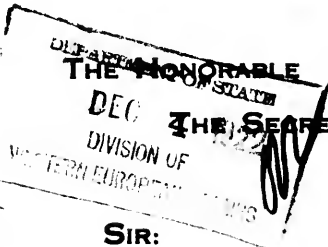
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No. 21

AMERICAN CONSULATE.

Lourenço Marques, P.E.A., October 30, 1922.

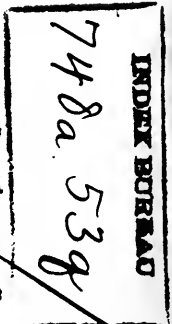
748a. 539
SUBJECT: Local Portuguese Opinion of the New
Commission to Negotiate for a New
Mozambique Convention.



WASHINGTON.

I have the honor to report that local Portuguese opinion is still remarkably non committal with regard to the personnel of the new commission appointed in Lisbon to negotiate with regard to the renewal of the Mozambique Convention. So far as they have expressed their views, they seem to think that the former governors on the commission are excellent men but that they are no longer in close touch with its current life, and for that reason are not entirely satisfactory.

It is rumored that the British foreign office is also creating a commission to meet the Portuguese probably in London. Consul General L. Hall-Hall who has been stationed at Lourenço Marques for the past two years, has been ordered to report in London as soon as his relief can arrive from Madrid. He believes that he is ultimately to become a Consular Inspector, but in the meantime it is understood that his local knowledge will be placed at the disposal of the new commission of which it is possible that he may be made a member.



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I have the honor to be, Sir,

Your obedient servant,

Cecil M. Cross
Cecil M. Cross.
American Consul.

File No. 800

In quintuplicate.

No. 24.

AMERICAN CONSULATE,

Lourenço Marques, Portuguese East Africa,

November 1, 1932.

Department of State

SUBJECT: Developments in the Currency Situation
at Beira, Portuguese East Africa.

DEC 22 1932

Division of

Political and Economic Information

DEPARTMENT OF STATE

THE HONORABLE

DIVISION OF

WESTERN EUROPEAN AFFAIRS
SECRETARY OF STATE

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WASHINGTON.

SIR:

I have the honor to report that the movement
[mentioned in the Despatch of this Consulate No. 5,
dated September 16, 1932,] to close all stores for a week
in protest against the failure of the Government to ad-
just the currency situation, has not as yet been put
into effect, apparently because the adherence of all the
firms could not be secured.

In the place of this scheme two of the largest stores,
the Rhodesian Trading Company and Allen, Wack and Shepherd,
have raised all prices 100%, giving a rebate of this in-
crease in case the account is paid in British Sterling.
Another firm is refusing to do business in Banco da Beira
currency except for cash on a basis of 25% depreciation.

If the other firms of the city are persuaded to
follow the example of the two leaders, it is believed that
the currency situation will become so acute that some
action must be taken by the Government. The Governor
of the Territory of the Mozambique Company, General
Rogadas, has paid a hasty visit to Lourenço Marques,

-supposedly-



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supposedly to discuss with the High Commissioner the
currency situation. He has just returned to Beira,
and developments should shortly take place.

I have the honor to be, Sir,

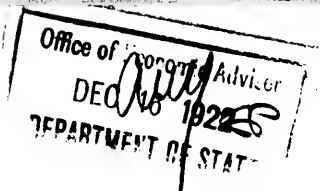
Your obedient servant,

Cecil M. Cross
Cecil M. P. Cross,
American Consul.

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AMERICAN CONSULATE.

Lourenço Marques, Portuguese East Africa,

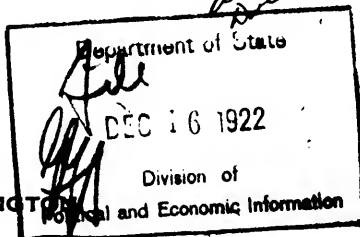
November 9, 1922.

SUBJECT: Developments in Mozambique Convention
Situation.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON



SIR:

I have the honor to report that a number of events have taken place within the last week which affect more or less directly the situation with regard to the Mozambique Convention.

RHODESIAN VOTE AGAINST UNION.

The most important of these events was the vote of Rhodesia in favor of "Responsible Government" and against Union. The totals were 8,744 to 5,989, giving a majority of 2,785. The total vote of 14,788 out of an electorate of 18,000 indicates the interest taken, and is conclusive for the present.

It seems probable that the difficulties confronting the carrying on of the government by Rhodesia alone, will bring up the question again within a few years, but for the present the fact remains that the Government of General Smuts has received a set back, and instead of being able to speak for the entire hinterland of Portuguese East Africa he can now only the views of the very southern part. The extent of the loss of prestige

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which he has suffered is not apparent as yet, and the transference of the negotiations to Lisbon, has reduced the importance of this factor in the situation.

Even if Rhodesia should raise the money to construct the Messina - West Nicholson section of railway which would make Lourenço Marques the port for Southern Rhodesia, and perhaps for the Katanga copper fields - it is said by the local official of the South African Railways that the Union of South Africa over the lines of which the traffic would be obliged to pass, would not cooperate, but would place obstacles in the way in an effort to force Rhodesia to reconsider its vote.

ELIMINATION OF PORTUGUESE LABOR FROM THE TRANSVAAL MINES.

That there is some grounds for believing that this would be the policy of the government, is indicated by the efforts of the Union Government to reduce as rapidly as possible the proportion of Portuguese natives employed on the Transvaal mines, in favor of those from within the Union. The method followed is by exerting pressure on the mining industry. It is said that already the recruiting of Portuguese Natives has been reduced to 350 a week, which means a net reduction of 1000 a month in the numbers employed. The last figures available indicate 80,947 Portuguese natives as against 81,654 British.

This policy is being vigorously opposed by the merchants of Johannesburg, where the Portuguese natives have always spent large portions of their earnings instead of remitting them to their homes, as has been the practice of the British natives.

It would seem that the Government of the Union is seriously preparing for the failure of the negotiations to renew

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the Mozambique Convention, and to destroy one of the strong levers in the possession of the Portuguese to enforce their terms.

REPORT ON KOSI BAY.

On the other hand the rival port which the Union has been seeking to hold over the heads of the Portuguese, has been greatly unsettled by the report of Sir George Buchanan, the harbor expert, in favor of Sordwana Bay instead of Kosi Bay, which hotherto has been played up prominently both by the British press and the Union officials. The details of the report have not been made public, but from the purely political point of view they are not important, except in so far as the question of cost, and actual feasibility of the port are involved.

CURRENCY SITUATION IN LOURENCO MARQUES.

The currency situation in Lourenço Marques continues to be an aggravating factor in the situation. The Portuguese papers which were the strongest advocates of the law, have been obliged to suspend publication for financial reasons, and the survivors are becoming more and more outspoken against what they charge to be a ruthless attempt to rob the public for the benefit of the official bank. The authorities, however, are not as yet showing any serious tendency toward weakening.

RUMORS OF AN ENGLISH LOAN.

It is rumored locally that a loan has been negotiated by Portugal in England, amounting to £30,000,000, of which £15,000,000 are for refunding existing debts, and the

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BY James E. Trimas DATE 7/21/65

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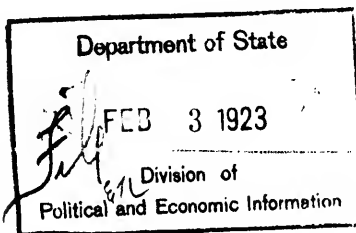
balance in cash. There has been no effect on the exchange,
and the truth of the rumor is very much doubted.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. P. Cross
Cecil M. P. Cross,

American Consul.



VOLUNTARY REPORT.

~~CONFIDENTIAL~~

PORTUGAL'S COLONIAL PROBLEMS.

RELATIONS BETWEEN MOZAMBIQUE AND THE UNION OF SOUTH AFRICA.

Reference:- Report of June 23, 1922 (File No. 500), as above.

From Consul General W. Stanley Howard.

Lisbon, Portugal.

Date of Preparation:- December 4, 1922.

Date of Mailing:- December 8, 1922

As has been reported in the report mentioned above, General Alfredo Augusto Freire d'Andrade failed to accomplish the task for which he was sent to Cape Town last April, and he accordingly returned to Lisbon only to report that his mission had been a failure. It appears that neither he nor General Smuts were able to agree upon the first article on their Agenda, that of the proposal put forward by General Smuts to come to an arrangement whereby the Union of South Africa would be permitted to assist in the management and development of the port of Lourenço Marquez, and that without continuing their discussion and trying to see if some agreement could not be arrived at in the other questions on the Agenda,

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these negotiators abruptly terminated the Conference, and General Freire d'Andrade accordingly returned to Lisbon with nothing but failure to report to his Government.

Up to the present time of writing, however, the General's report to his Government has not been made public, and consequently there is no available information upon this subject to be had, save what has appeared from time to time in the local papers. These articles may have, or may not have, been inspired, but, nevertheless, they all breathe forth a spirit of no compromise and are very bitter in their criticisms of what the writers are pleased to call "British attempts to undermine Portuguese sovereignty in Portugal's overseas Colony of Mozambique".

These writers, both in Portugal and Mozambique, who look upon this controversy as an Anglo-Portuguese affair and who persist in referring to the South Africans as British, are making a great mistake, and simply because they have not kept up with the march of events in South Africa, where, in the past ten or fifteen years an intensely strong feeling of nationality has sprung up which now makes the inhabitants thereof regard themselves as citizens of South Africa, which country is in their views an equal partner in the British confederation of free and independent states, as General Smuts in his public speeches during the past few years has often stated.

It is believed in some circles that the Lisbon Government would like to see these negotiations resumed in London, under the aegis of Downing Street, but this, the writer believes, General Smuts will not agree to, as he has repeatedly taken his stand that in regard to South African affairs, South Africa will treat directly with its neighbors and not through third parties.

In the meantime matters seem to be drifting, no one can conjecture where.

FACTORS

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FACTORS WHICH MAKE NEGOTIATIONS DIFFICULT.

There are a number of factors entering into this controversy which tend to make mutual understanding between the two countries, and their representatives, difficult, factors which can only be clearly perceived by observers who have been fortunate enough to have been brought closely in contact with both peoples for a long period of years, or for a third of a century, as is the case with the writer of this report.

When the waves of Mahometan invasion swept from the Near East, overflowing the North of Africa and almost all of Spain and Portugal, the crests of these waves, like those on the seashore at high tide, left the greater part of their flotsam and debris on the highest and last points attained by them, and this Islamic flotsam which was left behind in Portugal has profoundly affected the manner of thought of these people although it left absolutely no trace on their religion.

The writer has often remarked a distinctly Mohametan type of pride and stubbornness, mixed with subtlety in the make up of these people, and these characteristics may have unconsciously influenced General Smuts in his negotiations with them, as he has had large experience in dealings with Asiatics, all of whom, when controversies in which they were concerned arose in South Africa, he has been accustomed to deal with an iron hand and a spirit of little or no compromise .

Another factor which no doubt has in the past, and will in the future, greatly handicap the Portuguese^{in their} negotiations with their South African neighbors, is their ignorance of current diplomatic history, as well as of international law.

In this respect they are as badly off as the old country physician
who has

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who has neither subscribed to or read any of the medical journals published since he received his degree of M.D., half a century ago, and who is entirely ignorant of all of the new remedies and new treatments, as well as of the old diseases with new many syllabled names which have been brought to the notice of the medical profession during all the years during which he has been practising and following methods which have been discredited and discarded by his more progressive colleagues.

Such people as these are very poorly equipped when they go up against the minds of highly learned and trained men like General Smuts, who, as has been the case with the leaders of his countrymen for many decades, has received one of the best educations which the Universities of Europe have been able to give.

In this connection the writer remembers a very interesting incident which took place in the veldt in the Transvaal during the Boer War, when one evening Dr. F. M. Reitz, the State Secretary of the Transvaal, a man of perhaps even greater learning than his colleague, General Smuts, gave a group of American newspaper correspondents a most interesting talk on American history in the course of which he told them of many incidents in the life of their native Country of which, up to that moment, they had been ignorant.

But the Portuguese statesmen and negotiators, unfortunately for them it would appear, are not as well equipped with a knowledge of other countries' affairs and histories as their South African opponents, and are thus heavily handicapped at the very beginning of their negotiations.

For instance, the writer, who has intimately known General Freire d'Andrade for many years and has had very close official and personal relations

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relations with him at different times during the past twenty years, in conversation with him a few days before his departure last Spring for the Cape of Good Hope, ascertained that he was entirely ignorant of the events leading up to the independence of Panama or of the acquiring of the Canal Zone by the United States.

The writer was endeavoring, in a private conversation, to ascertain whether or not, in his opinion, the Portuguese Government would be willing to lease the strip of land over which the ^{Swaziland-}Lourenço Marquez R.R. runs, as well as a part of the water front of Lourenço Marquez, to the Union of South Africa upon more or less similar terms to the Canal Zone lease; but the General could not express an opinion as he was entirely ignorant of the history of Panama, as well as of the terms of the lease of the Canal Zone to the United States.

Of course, the General had to be non-committal on this subject, as it had evidently never been thus brought to his attention before, so he could not give any reply to the writer's queries as to whether or not, as an alternative proposition, the Mozambique Government would lease its section of the unfinished Swaziland R.R., as well as a portion of the Lourenço Marquez water front to a private corporation which could afterwards make such contracts with General Smuts' Government as it might see fit.

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PRESS COMMENTS

As has already been remarked, some Portuguese press comment on South African affairs has been caustic, chauvinistic, and even violent, but eliminating the fulminations of the extremists there have been found a number of more reasonable comments in the local Lisbon papers, which may be summarized as follows:-

The opinion of Dr. Alvaro de Castro, former Governor of the Province of Mozambique, as to the question of an arrangement between the Portuguese Government and the South African Union expresses the general feeling of the Portuguese politicians and Government as it appears in public speeches and interviews, and is as follows:-

"The question of Lourenço Marquez is designated as serious, but the situation should not be regarded as impossible to solve. The three points of the question - railways, native labor, and general economic trade between the Union of South Africa and Mozambique - interest both parties equally and on the part of Mozambique, everything has been done to satisfy the requirements of the Union as to the railway extension and harbor facilities to handle coal, and supplying native labor for the mines. Notwithstanding this fact the negotiations were broken off on account of the exigence of General Smuts requiring for the Union direct control over the port and railway by an independent administration.

"The open threat to build a new port for the Union and to direct the traffic to this new port does not seem to be serious, but the fact that the Union of South Africa does not depend any more on the native labor from Mozambique affects this Province seriously as a large amount of gold derived from this source now fails to reach the Province.

"Portugal has lost a great deal through the failure to reach an agreement and the situation presents itself in dark colors."

Other

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Other articles published in the leading Portuguese newspapers agree on the impossibility of further concessions to the Union of South Africa, and point out that Mozambique should be developed in such a way as to be able to rely more on its own resources than on the income from port, railways and natives.

According to a statement made by General Freire d'Andrade, the industrial and agricultural development in the Province of Mozambique has advanced, but the majority of the income of the Colony is still from the Lourenço Marquez railway and emigration. The other railways are neglected and not enough attention is given to agriculture in the Province.

In his opinion, the best way to keep Lourenço Marquez and to overcome the fear of losing it was to work and develop the resources of Mozambique, as the Colony was worthy of it.

Various other newspapers remark that although the negotiations have failed, the Government does not seem to take the necessary measures to save the situation and the outlook for the future of the Colony is dark.

PRESS COMMENTS FROM LONDON

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PRESS COMMENTS FROM THE LONDON DAILY NEWSPAPERS.

The London daily papers, as far as the writer is aware, and the "WEEKLY TIMES" for that matter, appear to have devoted little or no space in their columns to the discussion of these matters.

PRESS COMMENTS FROM " THE AFRICAN WORLD".

In the "AFRICAN WORLD", however, which is published by a journalist who knows South Africa, and whom the writer found editing a newspaper in Pretoria as long ago as 1899, a more or less timely item of news on this subject appears from time to time, and three such, as follows, have been culled from recent issues of this publication.

" UNION'S PORT POLICY

"Important speech by General Smuts: Delagoa Coal Export.

"General Smuts, in the course of a speech at Johannesburg in mail week, said:-

"I am sometimes charged with being too much preoccupied with external questions, and not sufficiently occupied with internal questions. People say I am not interested in parish pump politics, but I am interested in Rhodesia and Delagoa Bay and these external questions. I say that these critics, when they come into contact with me in the backveld, find out that I know something about the parish pump too. (Laughter) No person occupying the position which I occupy to-day would be doing his duty if he did not look ahead and serve the interests of South Africa in these larger aspects. (Applause).

"As regards:

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"As regards Delegoa Bay, the position is perfectly simple. It is not a question of foreign policy, but a question of what we are going to do with the great coal industry. It will never come into its own; it will be throttled as long as we have no proper outlet.

"I don't want to quarrel with our Portuguese neighbours. If they find it impossible to help us in Delegoa Bay and give us the facilities that that expanding industry requires, I am prepared to look for a port elsewhere in the Union. (Applause.) I am not going to quarrel, but I am not prepared to see this greatest of our industries throttled - (applause) - and I am sure that I am doing something actually essential to the interests of this country and its developments." (Renewed applause.) "

" UNION AND DELEGOA BAY

" General Smuts on the Port Development Problem.

"In the course of a speech recently, General Smuts, speaking of Walvis Bay, stated that the day might not be far distant when coal from Wankie might be transported through that bay to the world's markets. On the East Coast, where this necessity was greatest, they had only one port, Durban. Beira and Delagoa Bay were not Union ports, and the time was very near when they would have to give much more consideration to the problem of "our sea-ports" than had been done up to the present.

"The great coal trade of the Transvaal awaited a proper outlet. He had been trying to develop Delagoa Bay, but that involved an international question. Yet they need not envy their neighbour's vineyards, but they could look to their own coast be-

tween

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"tween Durban and Delagoa Bay better than any part of the coast, Durban, as they knew, being more or less an historic accident. He hoped that if it became necessary for the development of the interior for the establishment of a new port, the people of the country would rise to the occasion and develop a port worth while having."

" ZULULAND PORT PROJECT.

"In this country it is unnecessary to point out that Portuguese - and one may, unfortunately add, Belgian - suspicions of annexationist desires on the part of either the British or the South African Governments are not merely baseless but ridiculous. Yet the fact must be taken into account that they exist and have, sad to say, been growing in strength since the war, fanned by unscrupulous and mischief-making persons, doubtless in some cases with ulterior motives. The distortion of perfectly innocent utterances by General Smuts and others has reached such incredible lengths in Belgium recently that it is difficult to write without passion of the disgraceful misinterpretations that have been industriously disseminated. The position must, however, be faced, and the South African Government will do well to take it into account, particularly in view of its expressed desire to expand its trade relations with neighbouring African territories, to the existence of which the people of South Africa are just beginning to awaken.

"For this reason it would appear to be the path of wisdom not to attempt to drive too hard a bargain with the Mozambique authorities. Apart altogether from the question of port development, it would

seem

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"seem to be not altogether wise for the Union to endeavor to impose tariffs upon Mozambique sugar and other produce. Trade is exchange, and if the Union wishes to sell its goods in Portuguese territory and obtain favorable tariff treatment for them it must be prepared to give reciprocal advantages.

"From all the broader viewpoints, therefore, it would seem that the most satisfactory issue to the dispute over the Mozambique Convention would be, not the expenditure of vast sums in constructing an entirely new port in an unhealthy swamp - the Union has already quite enough first-class ports for its area and population, judged by the standards of other parts of the world - but the patient and sympathetic negotiation of a new agreement with the Portuguese which would benefit both sides without injuring either."

In considering these matters it must not be forgotten that at the time his abortive conference with General Freire d'Andrade took place, and for some months afterwards, another matter, of much more importance to him, at any rate, was engrossing his attention, and this was the prospective entry of Southern Rhodesia with the Union of South Africa.

No doubt General Smuts' attitude towards Mozambique was largely governed by his attempt to please the electors of Southern Rhodesia, and it must be borne in mind that the construction of but a comparatively short line in the railway system of that country would have linked it up with the South African Railway System in such a way as to have made Lourenço Marquez its nearest and most accessible seaport.

But Southern Rhodesia, and for almost similar reasons as those which have kept Ulster out of the Irish Free State, has decided, by a very

large

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large majority, to keep out of the Union of South Africa, and this is really the most serious rebuff which General Smuts has experienced for many years.

What effect this decision of Southern Rhodesia to keep out of the Union will have upon General Smuts and his railway and port policies, as far as they affect Mozambique, at any rate, remains to be seen; but General Smuts is not the man to sit down and keep quiet after such a rebuff as this and it is just possible that it will stimulate him to greater efforts to make that Colony, as well as Mozambique, bend to his will.

This decision of Rhodesia may also cause General Smuts to considerably alter his attitude towards the Benguela Railway and the Tanganyika Concession. This attitude has been reported upon by the writer in his report of November 2, 1922, entitled " THE BENGUELLA RAILWAY AND TANGANYIKA CONCESSIONS" (File No. 860).

In the meantime, according to all reports which reach this office from Lourenço Marquez, conditions there are going from bad to worse and the end is not yet in sight.

The recent enactment of the High Commissioner of Mozambique which has had the practical effect of driving all foreign currency out of Mozambique and which was undoubtedly prompted by a desire to retaliate against the Union of South Africa, is doing Mozambique a vast amount of harm.

This action of the High Commissioner is the more incomprehensible when one considers that in the days of its highest prosperity Lourenço Marquez was full of English, Australian and Transvaal gold coin and that almost all business there was done on a gold basis. Lisbon, also, has large deposits of foreign money on hand, and similar restrictions here would completely paralyse business.

Upon

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Upon these conditions in Lourenço Marquez a friend of the writer, a merchant who many years ago made a large fortune in Lourenço Marquez, has recently written to him as follows:-

"I am under the impression that the Kosi Bay harbor scheme formed part of the larger one to get Rhodesia to join the Union.

"As the latter has not come off, the idea of making a new port in opposition to Lourenço Marquez may be shelved, but it would not do to rely upon its being done for good, unless a satisfactory agreement between the two Governments is reached.

"Trade is stagnant at Lourenço Marquez and goes from bad to worse, and the port, which should be the busiest in South Africa owing to its position, is actually going to sleep. The Union Government will not even now have the Portuguese natives any more, allowing only 250 per week to cross the border. The Portuguese Government based their policy always on the want of their natives by the Mines. A nasty jar, I call it, to be beaten by one's own weapons. There is now a surplus of natives in the Province and nolens volens the advantage of thus obtaining cheaper labor for agricultural purposes is proclaimed, but that does not alter the fact that a ready cash revenue will be disappearing, and a shadow is taking the place of the substance. A pity, that prosperity could be so easily obtained, and the means to obtain it are not employed! "

In conclusion and to bring this report up to date, the writer deems it not inopportune to quote an article which has appeared in the Decem-

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ber 2, 1922, number of the "AFRICAN WORLD", and which reads as follows:-

"ALARMS IN LISBON.

"ARMY OF THE UNION PREPARING TO ATTACK MOZAMBIQUE"

"ANGOLA'S "SERIOUS DANGER".

Lisbon, November 18.

"First the ex-Premier Dr. Alvaro de Castro, then Admiral Leote do Rego, have recently, in interviews given to the "DIARIO DE NOTICIAS", solemnly warned the country of the dangers which beset the colonies of Mozambique and Angola. "Mozambique, especially," says Admiral Leote do Rego, "and Angola are running a serious, imminent, evident and indisputable danger." He goes so far as to say that the army of the Union are preparing to attack Mozambique, the declaration that the natives of Mozambique are no longer required for the Rand mines, and that another port will be built to replace Lourenço Marquez being set aside as mere bluff. The "DIARIO DE NOTICIAS" illustrates the interviews with a photograph of South African troops being drilled.

"In view of the recent troubles on the Rand the reason for any special military preparations in South Africa might seem obvious, but, in the imagination of Portuguese alarmists, General Smuts is about to march at the head of an army to take possession of Mozambique. Yet, if this vision is somewhat grotesque, it, nevertheless, remains true that Portugal is in serious danger of losing her colonies, and it is right that the Portuguese should be aware of the fact. The position to be faced by the Portuguese is that Portugal cannot retain huge undeveloped colonies, and that a

State

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"State verging on bankruptcy cannot develop them without foreign enterprise and capital. It is a question of life and death, says Admiral Le te do Rego: "the loss of Mozambique and Angola means our disappearance as a European Power and as a free nation."

"But what are his preventive remedies? Here he is less effective. He wishes to employ the natives in the development of Mozambique, to give them good salaries, and to raise a native army. Yet to surround the Portuguese colonies with a Chinese Wall, from the battlements of which hastily trained native levies proclaim that Portugal intends to retain every inch of her territory, which, behind the walls, there would be no means to develop, seems to be a policy which positively invites disaster. The policy outlined at the Peace Conference seems to have been far wiser. For instance, in a Portuguese Note presented at the Conference it was stated that it was the intention of the Portuguese Government to "accept and liberally encourage foreign (Allied) capital and enterprise" in Angola and Mozambique; that it was proposed to send out Commissions composed of Portuguese and "foreign, especially English specialists," in order to study the agricultural and geological conditions of the colonies; and that it was further proposed to "grant concessions in the colonies to companies formed in Allied countries, especially Great Britain." All that seems now to be completely lost sight of.

"If Portugal wishes to retain her Colonial Empire and, perhaps, her independence, she has a more difficult course to follow than that of providing salaries for the natives of Mozambique and raising a native army. She must refrain from internal revolutions and from threats of revolution; she must cease to print paper money and must balance her Budget partly by taxation, partly by ruthless retrench-

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BY James E. Trimble DATE 7/21/65

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"ment. She must sell part of her colonies and develop the remainder by attracting foreign enterprise, carefully safeguarding her rights of sovereignty and trusting to the Allies to do the right thing by a country which did the right thing in the war.

"These may be unpalatable truths, but there is no other way out of what has come to be a very dangerous situation.

"There is one other observation, no doubt equally distasteful to the Portuguese Republic, but in which Portuguese patriots find a ray of light. If it is essential to the very existence of the Republic that its attention should be absorbed by internal unrest, and that the revenue should be absorbed by the armed defenders of the Republic - armed by pen, bomb, or rifle - may not the time have come to choose between parting with the Republic and parting with the Colonies?"

As the "AFRICAN WORLD" is subscribed to by the leading Lisbon papers, their editors soon became aware of this article, which, to say the least, has made a very unfavorable impression here; but instead of profiting by it the Lisbon newspapers seem to resent it very much. The first comment on this article is one which has appeared in the "DIARIO DE NOTICIAS" of December 7, 1922, and which says amongst other remarks that "the Government has the right to find out, and this will not be difficult to do, who it is that, while being in Portugal as our guest, - as we do not believe that it was a Portuguese citizen who wrote such an article - talks about our country in such a way and utters such grave threats against us.

"We have already said that the publication, the "AFRICAN WORLD",

already

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"already referred to, is not a paper of small importance, but that it is one of the most valuable newspapers published in connection with the whole of South Africa. It is only necessary to see and read one copy of its numbers to obtain this impression.

"In order that our readers may not believe that we are exaggerating, we will display a number of copies of this publication on exhibition in the window of our branch at Rocio, to-day."

Thus it will seem that, mostly through the fulminations of hot-headed and more or less irresponsible journalists, a bad atmosphere is being created which is likely, if efforts to clarify it are not immediately taken, to befog and obscure the basic points which underlie this controversy, which, at bottom, are so plain and simple that they could undoubtedly be settled without difficulty were their settlement entrusted to business men who have been accustomed to dealing with big projects, and who pay no attention to extraneous and non-essential matters.

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BY James E. Pringle DATE 7/21/65

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would be made to annex the Congo or at least the District of Katanga.

Further suspicions were engendered by General Smuts' objection to the investment of British capital in the development of the Benguela Railway which, when completed, will form the most economic outlet for the copper fields in the Belgian Katanga. What actuated General Smuts to raise this objection will be readily seen from the fact that when the Benguela railway is completed it will divert a considerable amount of traffic from the Rhodesian and South African Railways. It is understood here that the necessary capital to complete the railway is now being sought in the United States.

The attitude of the Belgian people in the Congo is shown by the following telegram which appeared in the CAPE ARGUS, Cape Town of November 14, 1922, under the name of its "own correspondent" at Bulawayo, apropos of the refusal of Rhodesia to join the Union of South Africa.

"The Belgian people generally welcome the result of the Rhodesian referendum", states the Katanga correspondent of the 'Bulawayo Chronicle', writing from Elizabethville.

For a long time, he adds, there has existed a certain suspicion regarding the ambitions of General Smuts and his people, and it cannot be said that this was in any way allayed by the visit of Mr. Malan, (South African Minister of Mines and Industries who toured the Belgian Congo in July, 1922), who did not create a very happy impression.

The correspondent advises the future Rhodesian Government that the best way to improve relations with Katanga is a mutual appreciation of each other's ambitions".

On November 28, 1922, Reuters South African Press Agency telegraphed to the CAPE TIMES, Cape Town from

Pretoria

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Pretoria, the following statement:

"The Prime Minister's attention was called to the cable in which the Parliamentary correspondent of the 'Westminster Gazette' alleges that a 'storm' has been created in the Belgian Congo owing to certain remarks attributed to him regarding South Africa's territorial development.

General Smuts states that he is totally unaware of any statement made by him which could give rise to this so-called storm. The Prime Minister received a telegram from Count Carton de Weert, a distinguished Belgian visitor, who had been the guest of the Union, which was dispatched when he was leaving for Elisabethville. In this message the Count expressed his warm gratitude to the Union Government for the attention shown him in the Union, and his admiration 'for the progress realised in every respect by the Union Government.

To this General Smuts replied in cordial terms. He referred to the common task of civilisation before South and Central Africa and the great scope for friendly and close collaboration between the two countries, towards which desired result the Prime Minister said he felt sure the Count's visit to Africa would greatly contribute.

In the face of this the 'storm' in the Belgian Congo naturally comes as a great surprise to the Prime Minister. It may perhaps be speculated that umbrage has been taken by some people in the Belgian Congo because of the references made in Rhodesia by General Smuts when he used the phrase 'I know no boundaries'. General Smuts emphasised the artificialities of the frontiers which separate British territory, but (it is held) it is difficult to see how such harmless remarks could by any stretch of imagination be construed into a threat on the integrity of the Belgian Congo, or as an indication of predatory intentions on the part of the Union Government".

On December 5, 1922, the CAPE TIMES, Cape Town, published the following article which was telegraphed by Reuters Agency, London:

"A remarkable exposition of what is alleged to be the Belgian attitude towards Britain and the Union of South Africa, 'from a correspondent', is appended by the 'Times' to a report of an explanation by General Smuts of the phrase he used in Rhodesia, 'I know no boundaries', which appears to have been misinterpreted in the Belgian Congo.

It is asserted in this article that for the past 18 months an agitation, directed partly against Britain and partly against the Union, has been growing in Belgium and the Congo on account of supposed designs for the annexation of the Belgian Congo or at least Katanga. The basis of the agitation is described as economic and the agitation is said to have been sedulously fanned in

certain

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certain circles in connection with the scheme for a railway - on which construction was recently begun - for a direct national route by the extension of the existing Katanga line to a point on the navigable waters of the Kasai. The completion of this scheme would obviate the use of the present sole outlet through Rhodesia, and in due course would render unnecessary the use of the British concern, the Benguella railway, which also runs through foreign territory in Portuguese Angola.

The correspondent proceeds to refer to Belgian suspicions of a British policy of encirclement arising out of the post-war partition of German East Africa and to suspicions which have been aroused by the assumption by the British of the control of the whole of the Tanganyika Central Railway from Dar-es-Salaam to Kigoma.

General Smuts' objection to Britain's helping the Benguella railway on the ground that it would divert traffic from the Rhodesian and South African railways is stated to have led to the affirmation in certain quarters in Brussels that Britain has been considering participation in the Benguella railway for national and strategic reasons - for strategic reasons on account of the supposed usefulness of this railway as a back-door to the Sudan if the Suez Canal were closed.

The correspondent declares that there is a strong disinclination in Belgium to accept further British capital to develop the Congo, American aid being considered safer".

Relations with Portugal.

Under date of June 24, 1922 there was transmitted to the Department from this Consulate General. Despatch No. 263 on the subject of the Conference held in Cape Town between South African and Portuguese officials for the purpose of arranging for a new Mozambique Convention to replace the one which expires on April 1, 1923. No agreement was reached at this Conference, and the terms offered by the Union Government were subsequently rejected by the Portuguese Government. A supplementary Despatch, No. 287, on the subject of "Mozambique Convention and New Port in Zululand" was transmitted to the Department on July 19, 1922.

On November 30, 1922, the Johannesburg correspondent

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of the CAPE TIMES, Cape Town, telegraphed to his paper that a general disposition appears to be manifesting itself in official circles to renew negotiations for the conclusion of a new Convention. This correspondent writes further:

"It is no secret that the mining industry prefers East Coast boys and that the Portuguese authorities are losing considerable revenue owing to the restrictions in the supply of Portuguese natives to the Rand gold mines, a lack of revenue occasioned by the smaller number of natives returning to Portuguese territory, and to the lesser number travelling over the railway outwards to the Rand.

Considerations of mutual interest, therefore, seem to be bringing both sides together.

The previous draft Convention, it may be remembered, broke down mainly on a point raised by the Union Railway authorities. In order to secure control at Delagoa Bay for the Union railways and harbors, Sir Wm. Hoy, (General Manager of the South African Railways), stipulated for a majority of one Union Government member on a Joint Convention Board. To this the Portuguese objected, as amounting to an infringement of their sovereign rights. It was believed that the difficulty of getting the Portuguese and Union Governments to agree to an autonomous Board - that is to say, a Board capable of promulgating its own findings without reference for confirmation to the Portuguese and Union Governments respectively - had been practically overcome when this point with regard to personnel majority proved insuperable.

However, there is every reason to believe that in the mutual interests of the Portuguese and the Union Governments there will be an attempt to conclude a new Convention shortly".

On December 5, 1922, the London Correspondent of the CAPE ARGUS, Cape Town, telegraphed to his paper the following article:

"Scarcely has the echo died away of the recent scare in Belgium over General Smuts' alleged 'designs on Katanga' than a similar foolish and without foundation panic has developed in Portugal.

The Argus special correspondent in Lisbon states that a newspaper in that city gives prominence to a photograph which purports to depict South African troops being drilled preparatory to the invasion of Mozambique and Angola.

The Portuguese Admiral, Loete Do Rego, in an interview says: 'Mozambique and Angola are running into a serious, imminent, and indisputable danger', and utters a warning that the loss of Mozambique and

Angola

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Angola will mean the disappearance of Portugal as a European Power and a free nation.

The Portuguese Admiral urges that the Government should develop the colonies by means of native officials and the formation of a native army of defence.

Inquiries in official quarters here show that nothing whatever has occurred to justify the slightest suspicion that South Africa's attitude towards Portugal's African Colonies is not absolutely correct.

There is an entire absence of any news even faintly suggesting a foundation for Portuguese alarm, which is attributed to a feeling of general nervousness in Lisbon, occasioned by the unsettled political outlook there!

Apropos of the foregoing article, the Johannesburg correspondent of the CAPE ARGUS, Cape Town, submitted the following telegram to his paper on December 6, 1922. This purports to be an interview with Dr. Alvaro de Castro, who was one of the Portuguese Commissioners to the recent Conference at Cape Town, which appeared in the Lisbon paper, "Diario de Noticias", date not given.

"An interesting interview with Dr. Alvaro de Castro, who is mentioned as the possible successor of Dr. Brito Camacho as High Commissioner for Portuguese East Africa is contained in the leading Lisbon paper, 'Diario de Noticias'.

In the interview, Dr. de Castro described the subject as one of the most important among international problems at present engaging the attention of his country.

He remarked that the underlying consideration in the expiring agreement was the import traffic through Lourenco Marques, because when it was first negotiated the Union industries were comparatively insignificant. To-day the contrary was the case, and the most important consideration was the export traffic.

The position of Mozambique had also changed, and it could be admitted that the old treaty no longer suited present day conditions either of the Union or Mozambique.

Asked if, supposing it were proved to be convenient to make a new agreement, to which of the two parties it would be of the most importance, Dr. de Castro replied that a new Convention would be to the interest of both countries, but he hesitated to say to which it would be of the most importance. 'I can only say that an agreement about the port and railways, native labor for the mines, and the interchange of products of the soil of both countries should, if it is settled on absolutely fair conditions, be of the greatest value both to the Union and to Mozambique.'

Continuing, Dr. de Castro remarked that during the

existence

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existence of the old agreement the Union had advanced very rapidly in political power, economic value and industrial development. Mozambique had also gone ahead, but it had based its progress on the financial receipts from native emigration and the revenue derived from the port.

The District of Mozambique in the north of the Province had been pacified and settled, and there had been considerable development in the Zambesi area, but the southern districts, and notably Inhambane, had become one large compound for natives for the Rand.

Whilst he would not go so far as to say they were living on the Convention, he thought they were far away from the policy they would have to take in order to save the Province, and that was an absolute reliance on their own resources.

Referring to the contention of the Union that frequent stoppage of coaling plant had damaged the export trade, Dr. de Castro argued that this did not justify General Smuts demanding a majority of representatives on a joint port railway and Railway Management Board.

Mention of the stoppage of native labor for the mines and the creation of a new port to compete with Delagoa Bay drew from the interviewer the suggestion that the Union had, in fact, decided to declare a state of economic war on Mozambique. Dr. de Castro replied that there was nothing to be gained by not being frank about the matter - it was economic war.

He added that although there was a heavy deficit on the South African Railways he did not think it would prevent the Union creating a new port to compete with Lourenco Marques, and in view of that he thought the future of Mozambique was very dark.

He was confident, however, there was no possibility of violent methods being resorted to by the Union against the Province, as there was no one who had a higher appreciation of the Portuguese colonial traditions than had General Smuts.

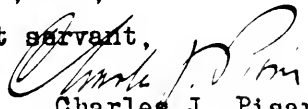
He urged that the wisest thing for the Province to do was not to rely on a new agreement with the Union but to develop the natural resources of the country. The Province was naturally rich. Many parts of it were still unexplored, and they must prepare the people to think of it as if it were alone in Africa.

Whilst saying that he did not suggest that they should abandon all negotiations for a new agreement - and he thought a new treaty was quite possible if the Union would drop its demand for the control of the port - the Portuguese were quite ready to come to an understanding on a reasonable basis. But failing that, they must carry on as best they could by relying on and developing as fully as possible the resources of the Province.

The longer a settlement was delayed, the worse would be the position for both sides."

I have the honor to be, Sir,

Your obedient servant,


Charles J. Pisar.
Consul in Charge.

In Triplicate.

No. 413.

AMERICAN CONSULATE GENERAL

Cape Town, South Africa, January 17, 1923.

*Instruction of communication
to Consul 3123/23 WE -
Cape Town PI Enck.*

SUBJECT: Relations between South Africa and
Portuguese East Africa. *Copy thru
Washington
G.A.M.*

THE HONORABLE

THE SECRETARY OF STATE

Department of State
WASHINGTON.

SIR:

I have the honor to refer the Department to my Despatch No. 394 of December 8, 1922, on the subject of the RELATIONS BETWEEN THE BELGIAN CONGO AND PORTUGUESE EAST AFRICA AND THE UNION OF SOUTH AFRICA, and particularly to that part dealing with the relations between South Africa and Portuguese East Africa.

There is now quoted, herewith, an interview with Dr. Brito Camacho, the High Commissioner of Portuguese East Africa, who is now in Lisbon. This interview appeared in the DIARIO DE NOTICIAS, Lisbon, and was re-published in the CAPE ARGUS, Cape Town of January 10, 1923, and is as follows:

" 'Mozambique', he said, emphatically, was in no danger, and it is not worth while, therefore, to discuss the statement that the Union is arming for the invasion of Portuguese territory,

Immediately on arrival at Mozambique he took steps to replace the out-of-date Convention, and his correspondence with Prince Arthur of Connaught and his relations with General Smuts were of the most friendly character.

As to the breakdown of negotiations, he stated that General Freire d'Andrade, who conducted them from the Portuguese side, was convinced that it was caused by the attitude of General Smuts.

On

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On the subject of an alternative port to Delagoa, the Portuguese High Commissioner gave General Smuts credit for earnestness, and was of the opinion that the work could be carried out by means of a large loan, which England was ready to advance.

Portugal's mistake was in not having taken the possibility of a rival port into consideration earlier, and failing to realise that the Transvaal could do without Delagoa. Nevertheless, he did not think that the Union's finances would bear the burden of heavy expenditure, 'owing to the reckless expenditure of the past'; and was of the opinion that Rhodesia's decision not to join the Union was 'solely on account of the fear of the Union's craze for spending'.

Regarding the development of Delagoa, the High Commissioner said that the expenditure of a large sum was necessary upon sanitation, and a clause in the proposed casino scheme stipulated that the lessee must loan that amount to the municipality for drainage and sanitation. He hoped that work would be started soon under the supervision of an American engineer.

He added that gambling was general in Delagoa among all classes, as well as the people who came from the Union expressly for the purpose."

The following article transmitted by Reuter's News Agency also appeared in the CAPE ARGUS, Cape Town of January 10, 1923.

"Interviewed by the newspaper 'Diario', Dr. Brito Camacho denied the rumour that the Union Government was training troops for use against Mozambique, but said he considered the South African Government had acted in a hostile manner.

Dr. Brito Camacho said: 'Mozambique wants missionaries to convert the natives, but will not have missionary merchants. The Province could do with a Convention based on reciprocal interests and mutual respect, but can exist without it'.

Although he expected difficulties in the first few years, the outlook for the future was hopeful. He declared that negotiations in regard to the Convention broke down because the Union Government would not give guarantee that no other port would be opened and that coal traffic would always pass through Mozambique.

Dr. Brito Camacho said that he had been endeavoring since 1914 to arrange a loan in London, but General Smuts had always frustrated this. Dr. Brito Camacho said he was also negotiating for a loan from America."

In the same issue of the CAPE ARGUS the following article from its own correspondent in London was likewise published:

"The distrust of the Union has recently spread to Portugal, where a little group of people interested

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in colonial affairs have been publishing lurid details of the massing of a South African army destined to invade Portuguese East Africa.

The facts are, of course, that there is much greater risk of Portugal losing her African colonies by secession owing to the growing disgust of colonial officials and business men with the state of affairs in the Mother Country, than there is of any attempt to seize them on the part of another Power.

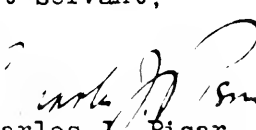
Latterly, however, the Portuguese banks have been endeavoring to enlist the aid of Belgian bankers to help them through their present difficulties and they have met with a certain amount of success. In fact there has been a financial flirtation in progress between Brussels and Lisbon and the connection between the Belgian agitation against the Union and the more recent outbreak of the same disease in Lisbon, though not apparent on the surface, is probably direct.

A species of mutual defence league against that terrible land-hungry monster, the Union of South Africa, seems to be in progress of formation!

These facts should be borne in mind by public men in South Africa, who are apt to forget that their utterances may gain a very different significance to that originally intended after they have been removed from their context and translated into another language, especially when there are people on the watch for raw material out of which to fabricate an appeal to national passions."

I have the honor to be, Sir,

Your obedient servant,


Charles J. Pissar.
American Consul in Charge.

800.

P/B.

In Triplicate.

No. 414.

AMERICAN CONSULATE GENERAL,

Cape Town, South Africa, January 17, 1923.

SUBJECT: Relations between South Africa and
the Belgian Congo.

THE HONORABLE

THE SECRETARY OF STATE,

SIR:

I have the honor to refer the Department to my Despatch No. 394 of December 8, 1922, on the subject of the RELATIONS BETWEEN THE BELGIAN CONGO AND PORTUGUESE EAST AFRICA AND THE UNION OF SOUTH AFRICA, and to my Despatch No. 395 of December 12, 1922 on the subject of RELATIONS BETWEEN SOUTH AFRICA AND BELGIUM.

These relations have apparently formed the subject of much newspaper discussion, and on January 10, 1923 the CAPE ARGUS, Cape Town, published a lengthy article from its own correspondent in London, dated December 22, 1922, in which he tries to explain the cause of Belgian distrust of the motives of South Africa. This article is quoted herewith:

"Some months ago I referred to the curious agitation directed against so-called British and South African 'Imperialism', which has been in progress in Belgium for eighteen months or more. The campaign of misrepresentation has increased in volume in recent months and has been taken up even by such newspapers as 'Le Soir', the leading Brussels daily.

Within the past few weeks the statements appearing in a number of Belgian journals, based for the most part on misreadings of certain utterances by General Smuts on the subject of the future expansion of the

Union,

Department of State

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Division of
Washington
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DEPT. OF STATE

BY James E. Thomas DATE 7/21/65

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Union, have attracted notice on this side of the Channel. The 'African World', in its editorial columns, caustically dealt with the allegations of annexationist intentions made against the Union. It also published a letter from a correspondent which laid bare the origins and aims of the agitation and charged those responsible for it with deliberately stirring up national feeling against the British Empire in furtherance of their ends. The matter appears to have then received notice in a London daily newspaper, with the result that an abstract was cabled to South Africa. This led to a declaration from General Smuts that the Union Government entertained no hostile intentions regarding Katanga - an assurance which, although entirely superfluous to British ears, has been hailed by the Belgian agitators as a valuable result of the campaign in which they have been engaged. A translation of the letter published by the 'African World', to which reference has been made, was printed by the 'Echo de la Bourse' of Brussels, with a long comment by its colonial editor, Mr. M. J. Rousseaux. Further correspondence with the writer of the original letter followed. The subject has therefore been well ventilated on both sides of the Channel, and it is to be hoped that less will be heard of it in the future.

It is of interest to sketch briefly what appear to be the facts in regard to the genesis of the agitation and its *raison d'etre*, in order that South Africans may be in a position to estimate its real importance. The Belgian Colonials are very anxious to arouse public opinion in regard to Congo development in general and the construction of the Bas Congo-Katanga Railway in particular. The latter comprises an extension of the present Katanga railway from the railhead at Bukama to Ilebo, on the Kasai River, to which point fair-sized steamers can ascend at all seasons from Kinshasa, whence there is a railway to Matadi, the ocean port of the Congo. Its completion will, therefore, give Katanga a moderately direct route, in Belgian territory throughout, to the Congo mouth. Until the railway is extended from Ilebo to Kinshasa, the necessity for transshipment from rail to river steamer and back again will, however, militate against the commercial success of the route.

For various reasons the prospect of the Benguela Railway being linked up with Katanga, remote though it still appears, is now regarded without enthusiasm in Belgium. The fact that this and all the other possible routes to Katanga - via Cape Town, Beira, and Dar-es-Salaam - are in British hands, territorially and financially, and some rather tactless remarks made by Mr. Robert Williams in the course of a lecture to the African Society in London some eighteen months ago, when he referred to the strategic utility of the Benguelan Railway as a back door to the Sudan in the event of the Suez Canal being closed by enemy action, have been thoroughly exploited in Belgium as ammunition for the campaign against Britain and the Union. Then

came

BY James E. Thomas DATE 7/21/65

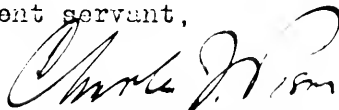
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came the speeches by General Smuts, in one of which he appears to have made use of the phrase, 'No one would dare limit the territorial or political development of South Africa'. These words, which obviously referred to the possible incorporation in the Union, of other territories already under the British flag, whether they were actually those used by the Prime Minister or not, were torn from their context and hailed as a direct threat to Katanga, and to neighbouring Portuguese possessions. A subsequent utterance by General Smuts to the effect that South Africa had no occasion to covet its neighbours' vineyards was regarded in some quarters as a diplomatic disclaimer.

It is unfortunate that Belgian disappointment at the manner in which German East Africa was partitioned - the Belgians think that they should have been allowed to retain the whole of the area, including Kigoma and Tabora, which was occupied by their Congo forces - and the resentment felt against the British policy in regard to German reparations had fertilised the soil for the seeds of distrust, sown by the Colonial group. So far as can be perceived at present, the chief result of the agitation has been to cause the Belgians to reject further British financial co-operation in Congo development. Whether American financiers have played an active part in stimulating the anti-British campaign is uncertain. It can be said, however, that the Belgians now regard American financial assistance for Congo development as 'safer' than acceptance of further British aid, and one American loan for Congo development has already been negotiated. It is possible that this will prove to be an exchange of King Log for King Stork, but it will, at any rate, be interesting to watch events. In so far as the agitation was designed to push forward the construction of the Bas Congo-Katanga Railway, it appears to have met with some success since the work on the first section of the railway was begun last month. The extension, some 600 miles long, from Bukama to Ilebo, will take at least five years, and probably longer, to complete."

I have the honor to be, Sir,

Your obedient servant,



Charles J. Pissar.
American Consul in Charge.

800.

P/B.

No.

March 24, 1923.

Charles J. Pinar, Esquire,
American Consul,
Cape Town, South Africa.

Sir:

Adverting to your despatches No. 394 of
December 8, 1922, No. 413 of January 17, 1923,
No. 414 of January 17, 1923, No. 421 of January
25, 1923, and No. 439 of February 8, 1923, re-
lating to political conditions in South Africa,
you are informed that each of these documents
has been read with much interest by the Depart-
ment and you are commended for the excellent
manner in which you have prepared them.

I am, Sir,

Your obedient servant,

For the Secretary of State:

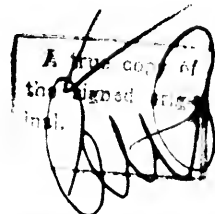
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In Quintuplicate.

No. 446.

AMERICAN CONSULATE GENERAL,

Cape Town, South Africa, February 25, 1923.

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SUBJECT: Termination of Mozambique Convention between
Portuguese East Africa and the Union of South

Africa.

THE HONORABLE
THE SECRETARY OF STATE

SIR:

(Referring to my Despatch No. 263 of June 24, 1922, wherein I reported the failure of the Conference that took place in Cape Town between delegates of Portugal and the Union of South Africa to negotiate a new Mozambique Convention to replace the one expiring on March 31, 1923, I now have the honor to report that) the Prime Minister of the Union of South Africa made an announcement in Parliament on February 22, 1923, to the effect that since the failure of the Conference negotiations have been proceeding continuously between the two Governments, but that there is no prospect of any definite conclusion being reached before March 31, 1923.

Under these circumstances the two Governments have agreed that temporary provision must be made to deal with certain important matters. As was pointed out in my despatch of June 24, 1922, the Convention consists of three parts. The first part deals with the native labor supply to the Transvaal mines; the second relates to the railway and port questions; and the third to

commercial

Office of Economic Affairs
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SUBJECT: Termination of Mozambique Convention between
Portuguese East Africa and the Union of South
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commercial and customs affairs. Under a provisional arrangement which has now been reached, the two latter portions of the Convention will lapse, and nothing is to take their place. That is to say, Delagoa Bay will no longer be entitled, as under the old agreement, to a fixed percentage of the railway traffic to the competitive area, and there will no longer be free trade between the Transvaal Province and Portuguese East Africa. Mozambique sugar will have to pay the ordinary South African customs duty when it enters the Union, and similarly South African products exported to Mozambique will have to pay the customs tariff existing in that territory.

Although the agreement regarding the railway traffic between the Transvaal and Delagoa Bay will nominally lapse, General Smuts announced that he does not expect that there will be any change in the existing arrangements. Conversations are in progress on the subject and the Prime Minister hopes to be able to make a public statement sometime between now and March 31, 1923.

The question of the supply of native labor from Mozambique for the Transvaal mines is a matter of much importance to South Africa. General Smuts pointed out that unless part one of the Convention, which deals with this matter, is kept in force there will no longer be a statutory basis for controlling the supply, hence the two Governments have agreed to prolong this portion of the Convention, subject to six months notice. The Government of the Union of South Africa has taken up the position that South African natives should have preference in employment on the mines, and has arranged with

the

BY Paul E. Vremler DATE 7/21/65

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the Witwatersrand Native Labor Association to limit the number of natives recruited from Mozambique. Since December last not more than 50 per cent of the number formerly recruited in Mozambique have been introduced.

(As was mentioned in my despatch of June 24, 1922,) in regard to the negotiation of a new Convention, the Government of the Union of South Africa has been seeking unobstructed control of its traffic through Delagoa Bay, and one of its demands was the formation of an autonomous board of control and management over Delagoa Bay which would be responsible for its own affairs very much as the Suez Canal Commission is responsible for the operation of the Suez Canal. The Union Government also contended that in order to make the Board really efficient, it was necessary that the members representing the Union of South Africa should be in the majority on the ground that the Union's interest were vastly predominant in this matter.

NOT TO BE PUBLISHED AS
OFFICIAL INFORMATION.

When the Union Government's demands were announced at the Conference the Portuguese delegates stated that they could not extend privileges which might in practice, compromise their political sovereignty or bring it into question and have repeatedly denounced them in public speeches and interviews. As late as February 14, 1923, the Secretary for Native Affairs of Portuguese East Africa gave an interview to the Johannesburg correspondent of the CAPE TIMES, Cape Town, in which he said:

"On the question of control by the Union of the port of Lourenco Marques, this, of course, could never be assented to. A parallel would be a demand for the control of Lisbon by the Spaniards or that of Amsterdam by the Germans. Such demands had never been made, nor would they be listened to if they were.

The

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The Portuguese Government did not regard the question seriously^s.

I have the honor to be, Sir,

Your obedient servant,



Charles J. Pizar.
Consul in Charge.

Copy to the American Minister, Lisbon, Portugal.

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In Quintuplicate.

No. 450.

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MAY 4 1923

DEPT. OF STATE

AMERICAN CONSULATE GENERAL,

Office of Economic Adviser

APR 24 1923

DEPARTMENT OF STATE

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Cape Town, South Africa, February 27, 1923.

Mozambique Convention between Portuguese
East Africa and the Union of South Africa.

THE SECRETARY OF STATE

WASHINGTON, D. C.

SIR:

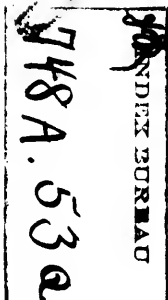
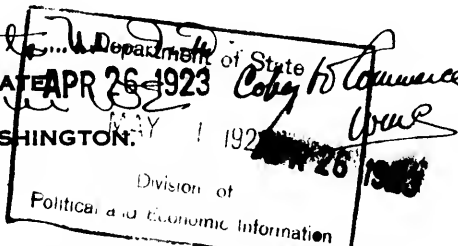
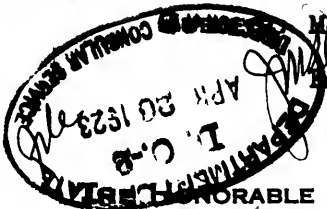
Supplementing my Despatch No. 446 of February 23,

1923, in regard to the Mozambique Convention between
Portuguese East Africa and the Union of South Africa
which expires on March 31, 1923, and the failure of the
representatives of the two countries to agree upon a
new convention, I now have the honor to report that when
General Smuts made his statement in the House of Assembly
last week to the effect that the Union Government had
made a provisional agreement with the Portuguese Govern-
ment to continue Part I of the Convention in force, sub-
ject to a notice of six months on either side, consider-
able opposition was raised by the Nationalist and Labor
Parties in Parliament toward this agreement, and the
Government was accused of making an arrangement without
the approval of Parliament.

In view of this accusation, the Prime Minister
agreed to submit to the House of Assembly for its ap-
proval, the following motion which he did on February
26, 1923:

"That this House approves the continuance of Part

One



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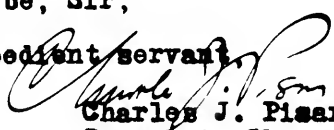
One of the Transvaal - Mozambique Convention of April 1, 1909, subject to six months notice of termination on either side, the arrangement to lapse on the conclusion of a definite convention between the Union and Mozambique Governments".

In submitting this motion General Smuts gave an outline of the economic conditions prevailing now and those which prevailed at the time the Convention was agreed upon between Portuguese East Africa and the Transvaal Government. He also pointed out in his address that while the Union of South Africa was making large demands, it was justified in doing so by reason of the vast development that had taken place in the Union of South Africa during the past ten years, and particularly in that territory contiguous to Portuguese East Africa, and that it must be recognized that South Africa must have unrestricted outlet to the markets of the world. General Smuts also announced that should the two Governments fail to come to an agreement on the points covered in Parts II and III of the present Convention; namely, the railway and port, and the commercial and customs questions, respectively, the only alternative left to the Union Government would be to seek the development of a port in South Africa, although he preferred to come to an agreement with the Portuguese Government.

There is enclosed, herewith, a clipping from the CAPE TIMES, Cape Town, of February 26, 1923, containing a verbatim account of General Smuts' speech, together with an account of the remarks from the opposition party. The motion was eventually approved by the House of Assembly.

I have the honor to be, Sir,

Your obedient servant,


Charles J. Pizar.
Consul in Charge.

801.4

Enclosure: From "Cape Times" Feb. 26, 1923.

Copy to American Minister, Lisbon.

P/P

(Enclosure in Despatch No. 450, dated at Cape Town, South Africa, February 27, 1923. File No. 801.4).

From CAPE TIMES, February 26, 1923.

That this House approves the continuance of Part I. of the Transvaal Mozambique Convention of the 1st April, 1900, subject to six months' notice of termination on either side, the arrangement to lapse on the conclusion of a definitive Convention between the Union and Mozambique Governments.

General SMUTS, in submitting the foregoing motion in the House of Assembly yesterday, said that the course which the Government intended to take, and which the House was now asked to approve, was to let two parts of the Mozambique Convention lapse, viz., those dealing with railway and commercial matters, and to keep alive Part I, which dealt with the recruitment of native labour. On this occasion he was not going to traverse again the grounds which he had traversed in his previous statement, nor was he going to be tempted into a general discussion of the whole position. From a Government point of view that would be eminently undesirable. If negotiations with the Portuguese Government were concluded it would be different, but they were not concluded, and they were likely to last some time longer.

Still Hopeful.

The position of Mozambique in relation to the Union was one of the most important matters, both for the present and future of this country, and he, therefore, looked upon the matter that the two Governments were now discussing as one of vital importance to the future of South Africa. He did not wish to say anything in the course of this debate that might prejudice that discussion or stand in the way of a good, fair, satisfactory solution all round. He hoped nothing would be said in this House which might not be in the interests of South Africa, or which might hamper the discussions or influence to a disadvantageous extent any agreement which it might be possible to make. He had not given up hope of arriving at an agreement, only the negotiations were slow and were taking place under very difficult conditions.

The Portuguese Government had notified the Union Government that they looked upon the Mozambique Convention as no longer suited to the relations between the two countries. The High Commissioner of Mozambique did not formally denounce the Convention, but he informed the Union Government that their feeling was the Convention was obsolete.

"We felt that very strongly ourselves," continued General Smuts, "both with regard to the matters with which it dealt and the matters with which it did not deal. A number of matters are not dealt with in this Convention. There is the position of Union subjects in Mozambique, which is becoming a matter of very acute feeling and very careful consideration. Ordinances are passed in Mozambique affecting Union subjects and Union interests in a way which prejudices us very considerably, and Union subjects who spend their lives there tell us that their position is now worse than it has been for the last 20 or 30 years.

"Naturally the Union Government, as

custodians of Union interests, is bound to take that fact into consideration, and when we come to a new Convention we would like to right that position, and see that laws are not passed affecting the interests of Union subjects without consultation or without regard being had to the Union point of view. There are other questions. The most important change which has taken place is in the economic position of South Africa itself.

Great Economic Change.

"Eleven years ago when the Convention was entered into, we were all obsessed with the idea that the import trade to the interior was most important. The question of South Africa becoming a big export country had not dawned upon us then. In ten years' time the whole economic position in South Africa has been reversed, and, instead of our being dominated by the import idea, we are entirely now on the other path. It is a great exporting country. In ten years' time it has become that, and the position, therefore, when the Convention was made no longer exists.

The coal traffic in the Transvaal has become a matter of vast importance. Ten years ago the coal industry in the Transvaal was a very small affair. To-day it promises to become probably of our mineral industries the most important in the years to come. It has every chance of becoming the premier mining industry of South Africa. It is plain to the House that that matter is not dealt with at all in the old Convention, and any Government that looks to the future interests of South Africa, and the shifting that has taken place, must direct attention to that subject and see that in the new arrangements entered into proper provision is made that Delagoa Bay, which is a great natural outlet and has been a great natural outlet for Transvaal industry so far, continues to discharge its functions and it does not serve to throttle the development of industry in the Transvaal.

"Both the Governments have felt that from their several divergent points of view the old Convention is no longer suited and adapted to the needs of South Africa. We are probing and exploring the position and trying to see what would be a satisfactory settlement for the future. The Portuguese Government say the Dutch always ask too much, and that on this occasion we are pressing them too hard. Well, it is a matter for negotiation. It is a matter for the future of this country.

Must Look Ahead.

"We have to look ahead and see not only what the situation was ten years ago and what it is to-day, but what the relative situation of the two countries and of their industries and their trade is going to be ten, 20, or 30 years hence. We no doubt ask for a good deal, but it must be plain to any hon. member who looks at the map and at the geographical situation of the interior that this great development which is taking place in the interior has just that forecast, that an extraneous element to consider in order to have the most unrestricted outlet to the markets of the world.

"I do not despair that on the questions we may come to an agreement. If we cannot agree, the Portuguese Government understand the

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position of the Union Government. We have been their friends, we are friendly to them, and we shall continue to be friendly to them for all time. There is no question of doing anything which is of an unneighbourly kind. If we cannot come to a friendly agreement, we must make our own arrangements for the future. In the event of our not being able to make a satisfactory arrangement about Delagoa Bay, I would advise the Union Government and the Union Parliament to look for another port next door.

"I would prefer to come to a friendly arrangement with Delagoa Bay, our old friend of more than a generation. I would prefer from every point of view to come to an arrangement with Delagoa Bay, but if that is ruled out, after the fullest and simplest consideration, and there is no alternative left to the Union, I am prepared to advise Parliament to take the other course and see if we can make our own arrangements next door and provide for the future of this great and growing and expanding country."

Labour for the Rand.

General Smuts went on to say that the point that he wished to restrict himself to on that occasion was the part of the Convention which was being kept alive. He referred to the part dealing with native labour on the Witwatersrand. There the position was fairly simple. Unless they took some such action as was now proposed by the Government, on the proposal of the Portuguese Government, the Portuguese natives on the Rand would become prohibited immigrants. The position both of natives there and of natives who came there in future would become impossible. That was the urgent part of the matter. It brooked no delay, and they must deal with it immediately, whilst they took time over the other more difficult and more far-reaching matters. In regard to the labour question, the position was this. They had had this looming in their minds for a very long number of years. There was a time under the old S.A. Republic when Mozambique was almost the only source of native labour for the gold mines on the Rand. The position had changed a good deal, with the result that instead of the Portuguese natives playing the main part in the working of our mines they did not do so any longer. They did not constitute even half the labour portion of our mines. Probably the ratio was in the neighbourhood of 40 per cent.

Colonel CRESWELL (Lab., Stamford Hill): Does that include the coal mines? General SMUTS: I am not quite certain about the coal mines. The figures that I have in my mind are the Witwatersrand figures. One may take it that out of a labour force of about 180,000 to 190,000 at work on the gold mines, anything from 70,000 to 80,000 are Portuguese natives. Proceeding, he said that the position to-day was that, instead of their being mainly dependent, as they were years ago, on Portuguese imported labour, the greater part of their labour force now came from the Union.

There had been a time when it was thought that they must depend almost exclusively on the natives of Portuguese territory for the mines, with which he had not agreed, and the facts had been with him. They were actually restricting the recruitment of natives in Portuguese territory to 50 per cent. of what it had been before the strike. They had no "legal" basis for their action, but the Witwatersrand Natives' Association had been asked by the Government not to recruit more, and to keep them down to that 50 per cent. Their whole object was to keep the Portuguese supply subsidiary to that from the Union; to make it merely complementary to that of the Union; and if that principle was maintained and carried out by the Government, he thought there need be no fear that they would have to rely largely on the

Portuguese native supply.

The First Preference.

There should be no doubt that their Union natives, in proportion as they volunteered or were recruited, should have the first preference, because they could not ignore the position of other industries, such as agriculture, manufactures, and the like, and their demands, and they did not want the labour shortage to become so excessive that industry was crippled, so far as the unskilled worker was concerned. Answering Colonel Creswell, General Smuts said the white was not coming in.

Mr. BOYDELL: He goes out! General SMUTS said that the unskilled native labourer did work which the white man could not do on competitive terms—(labour dissent)—and if they tried to secure more, and force the position as existed to-day, it could have only one result, not larger white employment, but less white employment—and industry would be crippled. He said that as an aside to the hon. member, and he did not want to go into that question. In conclusion, he said that the natives and the people of that country could fairly ask that whatever arrangement they made with the Portuguese, preference should be given to their own (South African) natives. They must keep that part of the present Convention alive, but what arrangements would be made in the final Convention he could not say. That was an interim measure, and he hoped the House would give its approval of what the Government proposed. It caused the least disturbance, and it kept up the status quo with regard to the natives. Under those circumstances he hoped the House would support the action of the Government, and in discussing the internal point of view not forget the external, and he hoped that nothing would be said that might prejudice the solution of that question.

In General Agreement.

General HERTZOG (Nat., Smithfield) said he agreed with what General Smuts had said, that nothing should be said in the House by which the negotiations which the Government was conducting might be hampered, so that the interests of South Africa might be adversely affected. In the circumstances he would refrain from putting certain questions which he had intended to do, but he considered that in conducting negotiations with our neighbours the Government should do its utmost to prevent the possibility of interfering with the friendly relations which had existed. He was pleased with what the Prime Minister had said on the matter, particularly in view of rumours some months ago to the effect that certain actions of the Union Government were tending to interfere with those friendly relations.

He trusted that in everything it did the Government would do its best to bring about a closer connection with Delagoa Bay, but that always on a basis of friendship and liberty. In regard to the question of the native labour from Portuguese territory, General Hertzog said he felt that as our industries in South Africa developed the problem would become a bigger and bigger one.

He was gratified to learn that the number of natives from Portuguese territory had already been decreased by 50 per cent., and he contended that the one principle they should always bear in mind was that no persons should be allowed from outside the Union to compete with the labour available in the Union, and particularly should no such labour be allowed in if the effect would be to depress the wages paid in the Union. He wished a statement from the Prime Minister whether it was a fact that Portuguese native labour was particularly wanted in order to reduce wages paid on the mines.

Cheap Labour Wedge.

If it was so that some mines required that cheap labour in order to keep going, it meant that a very serious question was

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created; not only was that cheap labour used for the poor mines, but also it might be used for the rich mines, and if it applied to the mines, it might eventually also be extended to industries, such as the boot industry. The principle was a very serious one, because it meant that if industries could not continue to compete at the existing wages, they would simply resort to importing cheap labour from elsewhere.

General Hertzig went on to endorse the Prime Minister's remarks that preference should always be given to the labour available within the Union itself, and accepted the Prime Minister's statement, and trusted that General Smuts was busy trying to ascertain to what extent the numbers of imported labourers could be further reduced. They had a duty towards the natives of the Union, and were not justified in importing labour from elsewhere to reduce the wages of their own labourers. The motion before the House stated only as an extension of the existing arrangement, to which he would not object.

Col. Creswell's Suggestions.

Colonel CRESWELL (Lab., Sturmfors Hill) congratulated the Prime Minister on having taken the course which he had decided to adopt. He considered that no convention or treaty should be entered without the final approval and sanction of that House. He believed the House could discuss the convention without any prejudice to the Government. From every quarter of the House we desired to allay any feeling which the Portuguese Government may have in regard to any suspicion that the Union Government was covetous or had any ulterior motive behind our policy.

This convention was a continuation of the *modus vivendi* entered into five or six years ago.

Part I, which was for the purpose of getting Portuguese natives to work on the Witwatersrand mines, was done without any regard to our own natives. The other part of the convention, and which affected the trade at our ports, had been entered into because of a similar motive affecting this country. The hon. member then commented upon Part III, but particularly singled out Parts II and III.

Part 2, which bound ourselves by the manipulation of rates to confine traffic to Lourenço Marques, which, he said, was quite unnecessary. After referring to the geographical position of Lourenço Marques he said we had on one side protection and a great railway and harbours system which could be organized to our own benefit and which we should be entitled to. We wanted nothing in the convention which would in any way fetter our own liberties.

Turning to the Labour policy which he had adumbrated during the debate on the Native (Urban Areas) Bill, he said we should be very careful not to encourage the intermingling of the two races. The present policy should be reversed. To-day our policy in regard to the native territories was one which did not make those territories attractive for the natives but places where the natives were bred in order that they should be labourers for ourselves. Any Government which encroached upon the best interests of the Europeans would be met with all the bitter opposition from the industrial powers in this country. If there was any time to face this issue it was to-day. It was not the strike but the policy against which that strike was a protest which was responsible for the widespread unemployment in this country.

Not Simply Attacking.

He reiterated his well-known argument regarding the European standard of civilization, and the suggested approaching of the native problem in order to secure that end. He was simply attacking the Prime Minister on his policy, but he was attacking the policy that we could only live industrially on imported uncivilized labour.

Referring to General Smuts' phrase in a recent debate, "That this was a smaller move in a large game," Colonel Creswell asked who was making that

move and playing that larger game. There were tens of thousands of children whose parents could obtain no outlet, yet so far this session there had not been proposed a remedial measure in that House.

"Stagnation and Depression."

Quoting from a recent report by the Director of Native Labour, Col. Creswell asked whether the Government were justified in allowing to the extent of even 50 or 20 per cent, the recruitment of natives from outside to go on when there were thousands of natives out of work, practically starving, and requiring work in this country. The natives of our own territories were going about without work, and the Government merely reduced the importation by 50 per cent. He (Col. Creswell) urged that not another native should be allowed to come in from Portuguese East Africa until the returns showed that there were no natives from our own territories requiring work. Members on the Labour benches would go on hammering at this question until not only the Government, but the people of this country realized we had to get off the wrong road on which we were going and on to a path of greater national security than that to which the present policy was leading.

The country was to-day in a state of stagnation and depression. Industries were stagnating, coal was in a bad way, and diamonds were in a bad way. But they had a good deal of faith in the recuperative powers of this country. Activities would be resumed. This was a time to turn over a new leaf and depend upon our own activities, and not upon any imported labour for the building up of our prosperity in future. He did not intend to oppose this motion. He was aware that under the Convention and our Immigration Law the position would be extremely difficult to deal with under the existing Convention.

"Quasi-Servile Labour."

If in the definitive Convention which was to be entered into there was a clear statement that that portion of it should be subject to six months on either side, the Portuguese Government could not take it as an unfriendly act if we gave them six months' notice. He would suggest that, in making this new Convention, the portion dealing with recruiting of native labour should remain. He considered the whole continuance of this Convention should be subject to six months' notice on either side. If other countries could develop their industries without the swaddling clothes of cheap, uncivilized and quasi-servile masses of labour, he maintained that we need not be afraid of embarking on the same course.

He would like from the Prime Minister an explicit statement as to whether it was the policy of the Government to put a stop to this recruiting, and whether they would agree not to bind our hands in regard to our railway development. In conclusion, Col. Creswell moved as an amendment to add at the end of the motion, "and this House desires that in any such definitive Convention (a) arrangements for recruiting natives in Mozambique shall be subject to six months' notice of termination on either side, and (b) there shall be no stipulation binding the Union to divert traffic to the port of Lourenço Marques."

Mr. BEYERS (Nat., Edenburg) protested against the House not being allowed to discuss the Convention until it was a fait accompli. To discuss it when it was a fait accompli was too late. The Prime Minister had stated that the Portuguese Government had said that the Dutch always asked too much. It was an uncalled-for remark. It was not the Dutch; it was the South Africans who made the demand, and he added, "We are all South Africans now, and there is no need to refer to the Dutch." He was pleased that the Prime Minister had stated that the number of natives from Portuguese Africa had been reduced by 50 per cent., and he trusted that the policy would be persisted in. In conclusion, the hon. member asked how long the negotiations were likely

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to continue. He hoped that the good relations which had always prevailed among the Dutch and the Portuguese would continue.

Prime Minister's Reply.

General SMUTS, in replying, said that Mr. Beyers had chided him with not stating how long these negotiations which were going on were likely to take. It was very difficult to say. He wished he could give an indication to the House of how long these negotiations might still have to take place. He could only say he was doing his best under very difficult circumstances to bring the negotiations to a conclusion. They were conducted here in Cape Town for some months, and since then they had been conducted in Lisbon and London through the ordinary diplomatic channels. Naturally the matters were difficult for the Union Government, and still more difficult for their neighbours, and he thought it would be a wrong policy to adopt any course which looked like rushing their neighbours.

Then Mr. Beyers had asked why there should be a discussion of these matters when the House and country were faced with a fait accompli. He was of the opinion that the House was the proper body for the discussion of these matters. It was the House's duty to represent the country. Whatever information had he hoped would be given, and so attempt should be made, as was now sought to be made by the hon. member, to tie the hands of the Government in advance as to what should take place. It was a difficult position, he admitted, and they had had the same in South Africa under the old regime, under the old Colonies, when they had to make Customs agreements from time to time. The House seldom voted to accept or reject the result, but could not go into details any more.

Replying to General Hertzog, he said that the hon. member had raised a number of important points, one of which was whether the Government would not make the tendency greater to lower wages by that importation of foreign labour. It was very difficult to say what the effect, as a whole, was of that importation of labour for the mines. The hon. member knew that the mines paid the natives' wages which other industries could not afford. Take the case of their ~~lumber~~ industry, ~~furniture~~ which could not compete with the mines in regard to what the latter paid for their labour.

The whole activity of the Chamber of Mines had been rather to keep up and raise the standard of native wages—(Colonel Creswell dissented)—but the hon. member knew the complaints which were continually being made in the country, which the Government never heard the end of, that through the mining activity and owing to the wages paid on the mines, the farming position was made more difficult. So far there was no indication of the wages generally of the natives having been lowered owing to that importation.

Justice to Our Natives.

With regard to their reliance on and the continuation of the importation of that foreign labour, it was argued that the country should limit that importation as much as possible. He was at one with both hon. members on that point. In the first place, it was only a matter

of ordinary justice and fairplay to the natives who were taxpayers of the Union that they should have first choice; but, in the second place, it was positively dangerous for the industries of the country to rely upon a foreign source of labour, which made them dependent on the goodwill of their neighbours and placed them in an inferior position. If a foreign Power were to throttle their native labour supply, it would be a very serious position for the Union's position was concerned. They should carry out honestly and faithfully the principle that such foreign labour should be subsidiary and complementary to their own supply. Unless their labour sources were increased, he did not see how their industries could be developed. There was no doubt that the management of the gold mines preferred Portuguese labour, for various reasons.

Mines under Portuguese.

When General Smuts, "it is old mining, very much more skilled and used to mining operations." The Portuguese boys for generations now have been mine workers, and I hear from everybody who is competent to express an opinion on the subject that they are more skilled and experienced in mining operations, and the mines do not seem to be in great favour on the development which is taking place now. It is a great change for them. Now it is found that the Union native is to a certain extent displacing the Mosambique boy, and they do not like the policy.

"Our policy must be, as far as we can, to limit the importation of foreign labour and make this country as far as possible independent of foreign sources for its supply of labour."

General Smuts went on to say that Colonel Creswell in his amendment had raised two points, one of which was that the convention should be subject to six months' notice as far as native labour was concerned, and the other was with regard to the port of Lourenco Marques. (General Smuts) did not think it would be right for the House to give the Government instructions on these points in advance. The House could make it from the Government that it was very serious in its statement that Portuguese labour was subsidiary to their own Union labour, and he would go further, and, if necessary, take statutory steps to carry it out. He did not think it was right for the House to tie the hands of the Government at that stage, in view of the statement he had made. With regard to the traffic through Lourenco Marques, he did not think his hon. friend should insist on that. They wanted to do what was best for their Union, and for their neighbours. The position was not only difficult, but delicate.

Mr. Merriman rose to address the House.

The SPEAKER: The Prime Minister has replied to the debate.

Mr. Merriman thereupon resumed his seat.

Colonel Creswell withdrew, with the leave of the House, the latter part of his amendment dealing with Lourenco Marques.

The other part of the amendment was negatived by 56 to 36 votes.

The minority consisted of the Nationalist Party and the Labour Party.

General Smuts' motion was agreed to.

No. 50

AMERICAN CONSULATE.

Lourenço Marques, P.E.A., February 26, 1923.

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method of saving the government's face, but the permanent loss of 40,000 of the best native laborers on the mines will as soon as general business revives, either mean the closing down of some of the mines, or a very serious drain on the labor supply available for the industries and farms. The farmers are already in many sections in serious difficulties because of the shortage of labor. Their political reaction voiced in the House of Deputies, would make the position of the government very difficult.

On the surface it would appear that the Portuguese authorities had sacrificed their trump card, in making this concession on the labor issue to the Union of South Africa. It appears, however, that this action is for the present in line with the Portuguese policy of attempting to make the province independent, and cutting so far as possible all connections with the Union.

For the decade or more, in which the Mozambique Convention has been in operation, throughout the districts of Lourenço Marques, Gaza, and Inhambane, which supply nearly all of the labor for the Transvaal mines, it has been the almost universal custom for all the able bodied men to go to the mines, where they received wages from 5 to 12 times as much as they could obtain at home.

As a result even on the docks at Lourenço Marques, the stevedore labor has been performed by "picanins" few of whom were 20 years old, and many not more than 12 or 13. The same situation has prevailed throughout the south of the province. The only labor available generally speaking has been that of women and boys. As a result very little has been done toward developing the resources of this part of the province, at all commensurate with the undertakings of the

large

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large companies in the North. *d*

It is the plan of the government to do what it can to remedy this by keeping as much as possible of the labor at home, but the abrupt cessation of the emigration to the mines would throw onto the local market some 80,000 or more able bodied men, for whom it would be entirely impossible to find productive employment immediately. This is believed to be the reason that has led the Portuguese authorities to consent to permit the natives to continue to go to the mines, at least until such time as employment for them can be found at home.

When the agreement comes to be finally drafted, however, it is confidently expected that the Portuguese in addition to the right to terminate the arrangement at six months notice, will insist on far more control of the recruiting of the natives than they have had in the past.

Termination of the Free Trade Provision.

The other two sections of the existing convention, which deal respectively with the free interchange of the products of the Transvaal and Portuguese East Africa, and with the transit trade, according to General Smuts's statement are to lapse on March 31, 1923.

The effect of the abrogation of the tariff exemption clause providing for free trade between the two regions as far as their own products were concerned, is still uncertain. The sugar plantations and oil producers of Portuguese East Africa will have their best markets seriously curtailed, and the industries of the Transvaal will find the Portuguese Colony a very difficult market, where they must meet foreign competition on equal terms. As far as this colony is concerned it is doubtful if the Union can produce enough sugar to supply its own needs. In that case the local reaction will not be serious.

Transit

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Transit Trade

By far the most serious aspect of the situation as far as both the Transvaal and Lourenço Marques, are concerned, however, is the question of the transit trade. General Smuts in his speech declared that negotiations were still in progress to perpetuate the existing privileges, and expressed the conviction that since it was so much to the Portuguese interest to encourage this trade, that no material alteration would be made in the existing regulations which permit goods to be shipped in transit through Lourenço Marques to the Transvaal, with only a nominal transit charge. It will be the logical course for the local authorities to follow, for it would undoubtedly lead to a strong trade revival.

For the past six months the whole commercial community has been marking time, not daring to commit themselves until the fate of the convention was known. Any settlement even though by no means satisfactory, would furnish a definite basis for action, and would stimulate business. Both sides have undeniably lost heavily by the dislocation of business consequent on the prevailing uncertainty as to the future. The friction which has been engendered largely either directly or indirectly ~~by~~ by the controversy, has involved further losses the extent of which cannot be estimated, for the true interests of both countries demand cooperation, not antagonism, and as long as the present feeling prevails harmony of action is impossible.

Even the British community in spite of their bitterness against the Portuguese, blame General Smuts for lack of diplomacy in handling the situation, and for what they admit are unreasonable demands, such as that for the control of the harbor and the railway.

CONTROVERSY NOT ENDED.

The

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The fact, however, that the Portuguese have so far succeeded in standing their ground does not mean that they will continue to be able to do so, or that the struggle for the control of the port is over. The Portuguese government is in grave financial difficulties, and the European situation may develop to a point where the seizure of Lourenço Marques by the Union of South Africa would be lost sight of in the general confusion.

Currency

The minor sources of irritation continue. The currency law continues in force, although the difficulty of effecting foreign remittances is being largely circumvented either through the Portuguese banks, or by clandestine transactions.

There appears to be no relaxation in the determination to force the British banks out of the country. Their position is growing increasingly unpleasant. The two British banks between them hold £400,000 of inconvertible Portuguese notes, which it is becoming steadily more difficult for them to unload. Furthermore, the National Bank of South Africa is very deeply involved in land loans, and dubious accounts. The Standard Bank of South Africa, however, has nearly completed its liquidation, aside from its share of the Portuguese notes, and is ready to close its branch here. It is doubtful, however, if it will actually follow this policy for sometime yet. The field is too lucrative to be abandoned without a struggle, and it is inconceivable that the management should be obstinate enough to close up rather than do a profitable business under restrictions that the non-official Portuguese bank has not found insurmountable.

The

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The British banks have already in their efforts to bring pressure to bear on the Portuguese, by refusing to attempt to cooperate in any way, and seeking to obstruct so far as possible the operation of the currency law, have lost thousands of pounds, and an immense amount of good will, for the Portuguese community blames them for a large part of the monetary difficulty. The unduly pessimistic reports which they have been flooding all European and American markets with, are coming back to the local merchants, and officials, and have aroused much hostility.

Immigration Law

The question of the taxes to be levied on all foreigners continues to be suspended as far as its retroactive features are concerned, pending further consideration by the government. There is every reason to believe that the united protest of the foreign community will prove effective, and its objectionable features will not be enforced.

Increasing Interest in America.

Generally speaking there has been a marked development of interest in America on the part of the Portuguese, both officials and business men. The official bank is exerting all efforts possible to divert the trade which has been carried on with England toward America, and has expressed itself as anxious to do all in its power to assist American firms to enter this field.

The prospects are that the successful bidder for the Gambling Casino concession will be an American, although no decision has been reached as yet.

Rumors of an American Loan.

The fundamental reason for the increase in interest, appears, however, to be the persistent rumors that the High

Commissioner

-7-

Commissioner, now in Lisbon is on the verge of succeeding in his efforts to negotiate a loan in the United States. It is known that efforts to secure one through interests represented in Johannesburg have failed for the present, but no details are available as to what is going on in Lisbon. The amount desired is \$25,000,000.00

The securing of such a loan would give a tremendous impetus to American trade in this province. From the point of view of the province, it would undoubtedly give it an opportunity to get on its feet. The whole country is being held back by lack of means of communication. There are large areas of soft sand, which though fertile when supplied with water, render land transport until roads or rail roads have been constructed, entirely impossible. The bulk of the country depends on the uncertainties of river transportation. It is understood that the bulk of the loan if obtained would be spent on railways and roads, which would open up the country and enable its products to compete with those of the rest of the world, in the markets of Europe and America on advantageous terms.

The opportunity for an American investment of this kind appears to be particularly good at present. The administration of the government, both as regards continuity of policy, and finances is far from perfect, but as matters stand at present, the government will go a long ways toward furnishing such guarantees as will satisfy the American bankers.

Unless a loan is secured there is a grave possibility that the province will pass into the hands of the British, such an event would thoroughly establish the British commercial position in the country at the expense of the American merchant, and lose to American interests an opportunity of

-8-

of establishing what has every prospect of becoming a most
valuable trade connection.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. F. Cross
Cecil M. F. Cross.
American Consul.

File No. 800

In Quintuplicate.

No. 460.

AMERICAN CONSULATE GENERAL.

Cape Town, South Africa, March 14, 1923.

SUBJECT: Effect of the abrogation of the Mozambique Convention.

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON.

SIR:

Supplementing my Despatch No. 450 of February 27, 1923, in regard to the Mozambique Convention between Portuguese East Africa and the Union of South Africa, I now have the honor to transmit, herewith, copy of a statement made yesterday by General Smuts in the House of Assembly in which he points out what effect will be produced by the abrogation of the Convention.

I have the honor to be, Sir,

Your obedient servant,

Charles J. Pissar

Charles J. Pissar.
American Consul in Charge.

801.4

Enclosure:

Copy of statement made by General Smuts, as indicated above.

P/B.

Copy to American Minister, Lisbon, Portugal.

BY James E. Daniels DATE 7/21/65

(Enclosure in Despatch No. 460, dated at Cape Town, S.A.,
March 14, 1923. File No. 801.4)

(COPY)

STATEMENT OF GENERAL SMUTS, PREMIER OF SOUTH
AFRICA IN THE HOUSE OF ASSEMBLY ON MARCH 13, 1923, IN RE-
GARD TO THE EFFECT OF THE ABOGATION OF THE MOZAMBIQUE
CONVENTION.

Under the Convention all goods, wares, and merchandise (not being distilled or fermented liquors containing more than 3 per cent of proof spirit) that were the produce of the soil or of the industry of Mozambique entered the Transvaal free of duty and vice versa, the products of the soil or of the industry of the Transvaal entered Mozambique territory free of duty, but on and after April 1, 1923, such commodities will become liable to the import duties in force in the respective territories on importation thereinto.

In the case of products of the soil or industry of the Union or of Mozambique, as the case may be, which is consigned through the territory of the other for export, the Union and Portuguese Governments have undertaken to maintain the status quo ante so that such transit dues; further, the Portuguese Government agree that merchandise of any origin or nationality imported through Lourenco Marques and bound for the Union shall be free from any charges whatsoever, excepting those charges provided for under Article XXXV of the existing Convention, which reads as follows:

Merchandise of any origin or nationality imported through Lourenco Marques and bound for the Transvaal shall be entirely exempt from any charges whatsoever, excepting port and warehousing charges and the charges now known as Industrial Contribution.

It will, therefore, be seen that goods ex bond or in transit to the Union from Mozambique and vice versa will not be subject to any transit dues or to other dues they are not now liable to. Nor will Union produce or manufactures in transit via Lourenco Marques be subject to any transit or export duties. This exemption, for example, will not only apply to coal for export, but to that for bunkers as well; in fact, conditions in all these respects will remain exactly as at present, substituting Union for Transvaal.

The provisions of Article XXXVI. of the existing Convention, which provide for the payment of any customs duty levied ad valorem on goods removed to the Union ex-open stock or ex-bond held in Lourenco Marques, on the basis of the overseas value, will terminate as from April 1, 1923, next, but Parliament will be asked to validate the collection of duties on the above basis on stocks held in bond prior to April 1, 1923, for a period of six months; similarly goods, the produce or manufacture of the United Kingdom or a reciprocating British Possessions, held in bond prior to April 1, 1923, will be given the benefit of the reciprocal tariff rates if removed to the Union within the aforesaid period.

Thereafter

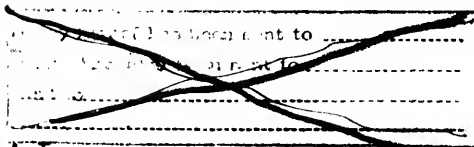
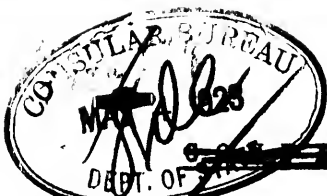
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Thereafter the value of goods imported into the Union from Mozambique, ex-open stock or ex-bond, irrespective of the country of origin, will, for the purposes of assessing any duty levied ad valorem, be taken on the basis laid down under section seven of the Customs Tariff Act, 1914; likewise goods ex-bond or ex-open stock will not thereafter receive the benefit of the preferential customs tariff rates.

Ad valorem duties on goods landed at Lourenco Marques for direct removal to the Union will, of course, continue to be assessed on the value current for home consumption in the country of origin or the export free on board price, as the case may be.

Goods the produce or manufacture of the Union held in bond at Lourenco Marques prior to April 1, 1923, will, for a period of six months, be admitted into the Transvaal without entry on satisfactory proof of origin. Thereafter goods consigned from a Union port to the Transvaal via Lourenco Marques will only be admitted without further entry when entered at a Union port for direct removal to the Transvaal via Lourenco Marques.

Goods may as heretofore be consigned in bond or in transit to Customs stations in the Union, and goods consigned to non-Customs stations in the Union must as heretofore be entered for payment of duty at the Union Custom House at Lourenco Marques.



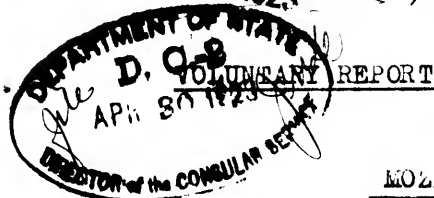
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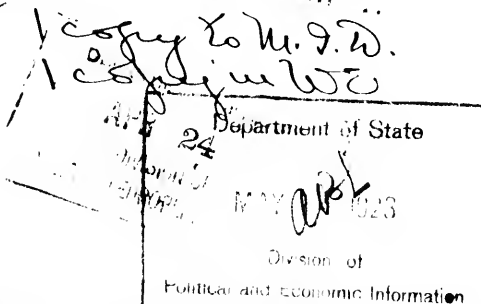
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OFFICIAL INFORMATION.

Copy to Commerce
" " Tariff Com

APR 30 1923



Office of Economic Adviser
File APR 27 1923
DEPARTMENT OF STATE



INDEX BUREAU
748a.538/45

MOZAMBIQUE - SOUTH AFRICA CONVENTION

Reference: Report of December 4, 1922, (file No. 500)

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From Consul General W. STANLEY HOLLIS *W. Stanley Hollis*
LISBON, PORTUGAL. Date of Preparation: April 3, 1923.
Date of Mailing: April 6, 1923.

The failure of Generals Smuts and Freire d'Andrade to come to an agreement in regard to this matter last June has been partially remedied by a provisional agreement, which was signed here in Lisbon on March 31, 1923, by the British Minister, on behalf of the Union of South Africa, and Snr. Brito Camacho, the High Commissioner for Mozambique who is now in Lisbon, on leave, and which prolongs that part of the Old Convention relating to the native labor supply, but does not apply to any of the other parts of that Convention.

It is interesting to note in this connection the following points:- (a) That Mozambique has sacrificed its birthright

DEPT. OF STATE
APR 30 1923
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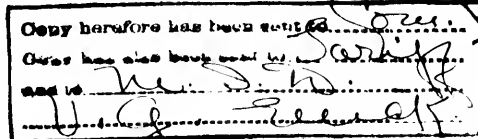
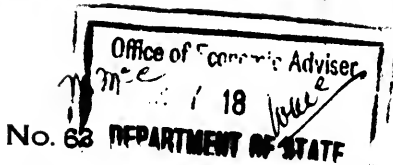
-2-

its birthright for a mess of pottage, represented by the few hundreds of thousand pounds it expects to receive as a tax on the emigration of the Mozambique black boys to the Transvaal; (b) that a man who has always struck the writer as a rather unsavory character and who is the leading agent in Mozambique for the recruiters of native labor and who seems to have unlimited funds at his disposal has been staying at one of the leading Lisbon hotels for some time.

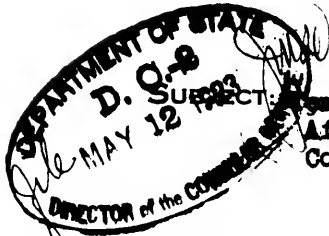
(c) That General Smuts, in spite of all of his talk about South Africa being one of the free and independent countries which compose the British Empire, has deputed the British Minister here to sign this agreement on behalf of South Africa.

According to the latest news received by cable from Mozambique the inhabitants there have cabled the Government here requesting that the present High Commissioner Dr. Brito Camacho, be kept at home, for the future, and that either General Freire d'Andrade or Dr. Alvaro de Castro (former Governor General) be sent to Mozambique as High Commissioner in his place.

WSH/MS.
File No. 800.



AMERICAN CONSULATE,
Lourenço Marques, P.E.A., March 24, 1923



THE HONORABLE

THE SECRETARY OF STATE.

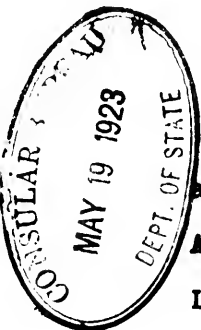
WASHINGTON.

SIR:

I have the honor to report that apparently an agreement has been reached with the Union of South Africa, which will permit the commercial life of Lourenço Marques to continue along approximately the same lines as heretofore, when covered by the Moçambique Convention.

The agreement previously reported providing for the continuation of the recruiting of Portuguese East African natives for the Transvaal mines subject to denunciation by six months notice, is reported to have been finally signed in Lisbon with the approval of the Chamber, [but only after an acrimonious debate.]

[The portion of the old convention, however, which is of the most concern locally is that dealing with the transit trade. As far as can be ascertained it seems that this traffic is to continue practically as under the Convention, but without any formal agreement. A bomb shell was thrown into the local British community last week by an announcement from Capetown that as far as the customs charges of the Union of South Africa were



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concerned, bonded stores in Lourenço Marques, would no longer be recognized as such, but all goods in order to be assessed at the F.O.B. point-of-origin valuation, must be loaded directly from the ship into the cars destined to carry it into the Union of South Africa. This ruling would have meant the end of most of the transit trade, and the ruin of both the forwarding companies, which are all British, and all the British houses supplying the Eastern and Northern Transvaal from this city.

NOT TO BE USED AS
OFFICIAL INFORMATION.

As soon as this was brought home to the government at Capetown, the ruling was modified to permit for a period of twelve months the continuation of the bonded stocks if held for firms in the Union of South Africa. Some minor ~~points~~ are not yet clearly settled, such as the question of articles taken out of bond and placed in open stock, prior to being sent to the Transvaal, and there is nothing to prevent a sudden reversal of the decision to permit the assessment as heretofore. There is every reason to believe, however, that the present status will be maintained for the present at least.

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Another factor which probably had material influence in inducing the Union Authorities to adopt the more liberal attitude, was the uncompromising position assumed by the Portuguese authorities, who made it clear that if the Union persisted in assessing bonded stores on their CIF value plus storage and other charges, they would retaliate by at once abolishing all transit privileges, charging the full duty provided by the Portuguese tariff, on all goods whether in transit or not, and furthermore would impose an export duty on coal which would effectively terminate the coal export trade of the Transvaal.

The situation is still very unstable, and merchants

in

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in general are continuing to liquidate their stocks as rapidly as possible. Most of them are of the opinion that the limited period fixed for the duration of the agreements, and the informal nature of that covering the transit trade, are really worse than nothing, and they would prefer a complete break, believing that such an action would speedily compel both sides to come to terms. Some profess to see in the new arrangement only a move to prolong the struggle in hopes of wearing down the resistance of the Portuguese to a point where they will be driven to accept the control of the harbor and railways demanded by the Union of South Africa. As a matter of fact very little is known here as to the course of the negotiations, and various rumors have been afloat as to a loan of £3,000,000, and the renewal of the Convention in toto for another year. These have not been confirmed and seem improbable.

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OFFICIAL INFORMATION.

From the point of view of the province the most hopeful aspect of the situation is that the sugar companies which it was feared would be most severely affected by the abrogation of the agreement providing for the free interchange of the products of the Transvaal and this province, appear to be rather indifferent to the matter. The manager of the largest of the estates in the vicinity of Lourenço Marques, has declared that although hitherto the Transvaal has been the principal market for his product, the advantage in price enjoyed there is slight, and the abundant rains of this season will enable him to produce his crop at a figure which will permit him to sell it to excellent advantage in Europe.

NOT TO BE USED SINCE AS
OFFICIAL INFORMATION.

The general anxiety as to the future is very keen,

however,

BY Frank E. Cross DATE 7/21/65

-4-

however, and the whole city is marking time awaiting the actual end of the Convention to see how the new arrangements will work in actual practice. There is on the whole perhaps more of an optimistic tone than two weeks ago, but the future is still felt by the majority of business men to be very dark.

NOT TO BE PUBLISHED AS
OFFICIAL INFORMATION

I have the honor to be, Sir,

Your obedient servant,

Cecil M. P. Cross
Cecil M. P. Cross.
American Consul.

File No. 800.



No. 63

Index Bureau
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MAY 9 1923

Dep't. of State

AMERICAN CONSULATE.

Lourenço Marques, P.E.A., April 3, 1923.

*ack
May 16, 1923.
RM2.*

SUBJECT: The "Modus Vivendi" with the Union of
South Africa.

THE HONORABLE

THE SECRETARY OF STATE

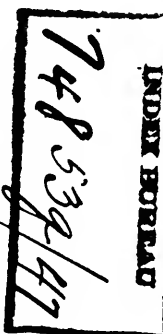
Department of State
WASHINGTON
MAY 12 1923

Division of
Political and Economic

SIR:

Despite a formal telegraphic protest from the
Legislative Council of this province urging the pro-
longation of the entire convention or no part of it,
an agreement was signed in Lisbon on March 31, 1923,
by Dr. Manuel de Brito Camacho, High Commissioner of
the Province of Moçambique, Sir Lancelot D. Carnegie,
British Ambassador at Lisbon, and the Minister of
Colonies, providing for the renewal of the first
part only of the convention, subject to denunciation
by either party at six month notice.

The section in question provides for the recruit-
ing of Portuguese natives for the Transvaal mines.
This action is attacked in the local press on the grounds
that it is giving away the most important resource of
the province with no compensating advantage. Dr.
Brito Camacho has replied that there is not enough
employment for the natives at present in the province,
and their wages brought back from the Transvaal, which
in large part pass to the government in the form of taxes
are one of the most important sources of revenue for the
province



FILED
MAY 16 1923

-2-

province.

The assertions in the Union of South Africa that the Portuguese natives are no longer desired, and recruiting had been reduced to 50% of normal are no longer being made, and as a matter of fact the officials of the recruiting company declare that they are taking all the natives they can secure, and as far as this year is concerned the number instead of being 50% less than heretofore, is larger than either 1921 or 1922. The Portuguese authorities are sincere in their intention to find employment for their natives within the province itself and are not permitting the departure of any natives whom they believe can be used at home.

TRANSIT TRADE

Although no formal agreement has been reached as to the transit trade, the Portuguese authorities have issued orders that the former arrangements shall be continued in their entirety, and the Union customs officials are under instructions to continue the former practice with regard to goods in bond or in transit through the port, destined for the Union of South Africa.

END OF FREE TRADE IN PROVINCIAL PRODUCTS.

Thus the only material change effected after a year of wrangling which has generated an immense amount of bitter feeling and antagonism, is the termination of the free trade provision for the mutual exchange of the products of the Transvaal and of Portuguese East Africa. It remains to be seen which will suffer the most from this arrangement, but it now seems likely that the Union of South Africa will find that the blow is quite as serious for it as for this province.

OTHER

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OTHER ASPECTS OF THE SITUATION

The general feeling is that the present situation though nominally to endure for a year or until a new convention is negotiated, is merely a lull in the struggle for the control of the port of Lourenço Marques. The Portuguese are undoubtedly feeling the "squeeze" of the British pressure, but on the other hand, they are retaliating by exerting all possible pressure to force out, and prevent the further entry of as much British capital as possible. The currency law has become largely a dead letter except as far as the British banks are concerned, by the general prevalence of clandestine transactions, and it is now almost impossible for a British firm to secure a concession.

AN AMERICAN LOAN.

The Portuguese are prepared to permit the province to remain undeveloped rather than to permit the further penetration of British capital, but would grant very liberal terms to American concerns, as an offset to the British. The talk of an American loan continues, but it appears to have been blocked in England by the Government, and in America by British influence.

The bearing of such a loan on the general political situation is not known, but at this distance it would seem to present possibilities of being handled in a way to exert pressure on London and Lisbon in connection with the Azores cable difficulty.

This Consulate has not been formally approached in the matter but a number of informal inquiries have been made by high officials as to my opinion of the possibility of the successful outcome of Dr. Brito Camacho's efforts to secure a loan in the United States. The reply has

-4-

in all cases has been that such loans were not except in very rare instances arranged through the American Government, and were concerns primarily of the private banking institutions, but so far as I had been informed the American Government would have no reason for opposing such a loan, and that it appeared to be a question of satisfying the bankers' demands for suitable securities and guarantees.

As yet no information is available as to whom Dr. Brito Camacho is negotiating with, but unless his efforts to secure the loan are successful, it now appears that he will in all probability not return to this province. In this case according to the most reliable information available here, Dr. Alvaro de Castro will be his successor as High Commissioner, with Dr. Manuel Moreira da Fonseca, as administrative officer with the title of Governor General. The latter is very popular locally, because of the celerity and finality with which he ended the last strike of the railway employees.

From private reports and the composition of the personnel of the attendance at the meeting of the Society of Old Colonists, which advocated the sending out of a High Commissioner with prestige, intelligence, tact and a knowledge of the colony and not a political protégé, and that he be accompanied by aids of ascertained ability, it is believed that their telegram to Lisbon was intended to be in support of this proposal, as well as a thinly veiled attack on Dr. Brito Camacho. It is doubtful, however, if their action will have an appreciable effect one way or the other.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. P. Cross
Cecil M. P. Cross.
American Consul.

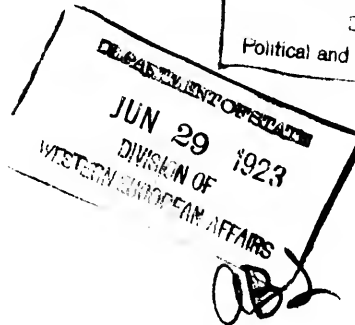
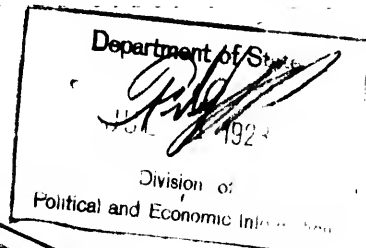
BY James E. Trimas DATE 7/21/65



EMBASSY OF THE
UNITED STATES OF AMERICA

LONDON, June 18, 1923.

No. 2522



7482.0339/419

The Honorable

The Secretary of State,
Washington.

Sir:

I have the honor to forward herewith, in triplicate, a British Government White Paper entitled AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENT AND THE PORTUGUESE GOVERNMENT FOR THE RENEWAL OF PART 1 OF THE MOZAMBIQUE-TRANSVAAL CONVENTION OF APRIL 1, 1909.

I have the honor to be, Sir,

Your obedient servant,

Earl Wheeler

Post Wheeler
Charge d'Affaires ad interim

Enclosure:
Cmd. 1888.

FILED
JUL 2 1923

, TREATY SERIES No. 10 (1923).

AGREEMENT

BETWEEN

His Majesty's Government and the
Portuguese Government

FOR THE

Renewal of Part I of the Mozambique-
Transvaal Convention of April 1, 1909.

Signed at Lisbon, March 31, 1923.

Presented to Parliament by Command of His Majesty.



LONDON :

PRINTED & PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased through any Bookseller or directly from H.M. STATIONERY OFFICE
at the following addresses : Imperial House, Kingsway, London, W.C. 2, and
28 Abingdon Street, London, S.W. 1; York Street, Manchester;
1 St. Andrew's Crescent, Cardiff; or
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1923

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THIS DOCUMENT MUST BE RETURNED
TO THE INDEX BUREAU.

748.532/41

BY James E. Trimas DATE 7/2/65

**Agreement between His Majesty's Government and
the Portuguese Government for the Renewal of
Part I of the Mozambique-Transvaal Convention
of April 1, 1909.**

Signed at Lisbon, March 31, 1923.

AGREEMENT made and entered into between the Honourable Sir Lancelot Douglas Carnegie, G.C.V.O., K.C.M.G., His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Portuguese Republic, acting for and behalf of the Government of the Union of South Africa, of the one part, and Doctor Manoel de Brito Camacho, formerly Minister, Member of the Parliament, High Commissioner of the Portuguese Republic for the Province of Mozambique, of the other part:

Whereas on the first day of April, 1909, a convention (hereinafter called the Convention) was made and entered into between the Government of the Transvaal and the Government of the Province of Mozambique;

And whereas by article 40 of the Convention the Government of the Union of South Africa has taken the place of the Transvaal Government for all purposes of the Convention;

And whereas in the terms of article 41 of the Convention due notice has been given of the termination thereof and in consequence the Convention will cease to have effect upon and after the first day of April, 1923;

And whereas it has been mutually agreed between the two Governments that Part I of the Convention, notwithstanding notice of termination aforesaid, shall continue to be in force and to have full operation and effect,

ACORDO feito entre o Doutor Manoel de Brito Camacho, antigo Ministro, deputado da Nação e Alto Comissario da Republica Portuguesa na Provincia de Moçambique, representando o Governo da mesma Provincia de uma parte, e o Honourable Sir L. D. Carnegie, G.C.V.O., K.C.M.G., enviado extraordinario e Ministro Plenipotenciario de S. M. Britanica junto da Republica Portuguesa representando o Governo da União Sul Africana de outra parte:

Considerando que no dia 1 de Abril de 1909 foi concluida uma convenção (a seguir chamada a Convenção) entre o Governo do Transvaal e o Governo da Provincia de Moçambique;

E considerando que pelo artigo 40º da Convenção o Governo da União Sul Africana tomou o lugar do Governo do Transvaal para todos os fins da Convenção;

E considerando que nos termos do artigo 41º da Convenção foi devidamente notificada a intenção de fazer terminar a Convenção e que por conseguinte a Convenção cessa os seus efeitos a contar do dia 1 de Abril de 1923;

E considerando que foi mutuamente concordado entre os dois Governos que a Parte I da Convenção, não obstante a notificação da supra mencionada intenção continuará em vigor e a ter plena execução e efeito,

BY James E. Trimble DATE 7/21/65

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subject to the right of either Government to give six months' notice to the other of its intention to terminate it:

1. The Government of the Province of Mozambique and the Government of the Union of South Africa do hereby covenant and agree with each other that Part I of the Convention shall continue in operation and of full force and effect as from the first day of April, 1923.

2. Either Government may at any time give six calendar months' notice to the other of its intention to terminate the agreement, which shall automatically lapse as soon as a definitive convention has been concluded between the two Governments.

In witness whereof the Undersigned have signed the present agreement, and have affixed thereto the seal of their arms.

Done at Lisbon the thirty-first day of March, 1923.

(L.S.)
LANCELOT D. CARNEGIE.

(L.S.)
MANOEL DE BRITO
CAMACHO.

ficando o direito a cada um dos Governos de notificar ao outro com seis mezes de antecedencia a intenção de a fazer terminar:

1º. O Governo da Provincia de Moçambique e o Governo da União Sul Africana concordam e pactuam por esta forma que a Parte I da Convenção continuará em pleno vigor e efeitos a contar do dia 1 de Abril de 1923.

2º. Cada um dos dois Governos poderá em qualquer ocasião fazer terminar este acordo, contanto que notifique ao outro, com anticipação de seis mezes, a resolução de o fazer terminar. O acordo também caducará automaticamente logo que uma convenção definitiva tenha sido concluída entre os dois Governos.

Em testemunho do que os abaixo assinados assinaram o presente acordo e lhe pizeram os selos das suas armas.

Feito em Lisboa aos 31 de Março de 1923.

(L.S.)
MANOEL DE BRITO
CAMACHO.

(L.S.)
LANCELOT D. CARNEGIE.

No. 85

AMERICAN CONSULATE,

Lourenço Marques, P.E.A., August 5, 1923.

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Copy also to

and

SUBJECT: Developments in Negotiations for a New
Mozambique Convention.



THE HONORABLE

THE SECRETARY OF STATE,

Division of
Political and Economic

WASHINGTON.

SIR:

STRICTLY CONFIDENTIAL

I have the honor to report that there has been recently a relaxation in the tension between the Union of South Africa and the Province of Portuguese East Africa, and there is every indication of progress in the negotiations for a new Mozambique convention, to replace the existing *modus vivendi*.

The tone of the press is notably less bitter, and the reception accorded the British cruiser *Lowestoft*, under the command of Rear Admiral Sir Rudolf W. Bentinck, was notably more cordial than that to the H.M.S. *Dublin* last February.

CHANGE IN ATTITUDE OF GENERAL SMUTS.

The local situation, however, is of only slight importance in determining the course of the negotiations which are in progress in Lisbon. It is generally, however, understood that there has been a change in the attitude of General Smuts, which has materially increased the prospects for a successful outcome of the negotiations.

Instead of insisting on complete direction of the port being placed in his hands, he is now insisting merely on efficiency in the operation of the port and railways.

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Lost Prestige- Rhodesia.

There are several reasons for the altered attitude of General Smuts. Among the minor ones are the failure to persuade Rhodesia to join the Union, which was a severe blow to his prestige, and the waning of his own personal popularity.

Failure of Economic War.

The most influential, however, is thought to be the failure of his economic war on this province. The Portuguese have suffered severely, but have stood firm on their insistence of retaining control of the port and railways.

Transportation Congestion

In the meantime the Union of South Africa has felt the reaction of the attempt to boycott this port. The Portuguese have refused to transport or load South African maize at this port at a loss as is done by the South African railways. The resulting necessity of moving the unusually large Transvaal maize crop to Union ports over much longer distances, and in the face of the severe congestion at Durban, because of the coal export boom resulting from the ~~Port~~ situation and the Australian strikes, is certain to enormously increase the deficit of the South African railways, resulting from their policy of carrying all maize at a flat rate regardless of the port of shipment.

Shortage of Labor on the Mines.

In addition his attempt to eliminate the Portuguese natives from the Transvaal mines is threatening to retard the work on the mines. The South African natives are leaving the mines in large numbers, and at this season of the year, although strenuous efforts are being made to recruit in Portuguese territory, no more than 3,500 natives a month can be secured. It is reported that the mines are already 13,000 laborers short, and the deficit is growing. The policy of elimination has been abandoned and it is doubtful if it will be revived. The recruiting privilege is subject to denunciation by six months notice,

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the power thus placed in the hands of the Portuguese to seriously interfere with the gold mines, which are the economic back bone of South Africa must be fully realized by General Smuts.

CONCILIATORY ATTITUDE OF PORTUGUESE

On the other hand the Portuguese are apparently in a conciliatory attitude and disposed to concede to the Union of South Africa, minority representation on an Executive Board to direct the operation of the Harbor and Railways and insure efficiency. This would probably work out to very nearly the equivalent of British control, without the name of it. The economic situation of the province, however, is such that it is generally realized that some concession will be necessary.

LOAN SITUATION.

As a corollary to the Convention, it is hoped to secure a loan of approximately £6,000,000 to rehabilitate the province. Once the opposition of the Union of South Africa is withdrawn, it is hoped to secure this in London, or perhaps in New York. It is reported in local official circles that this loan has already been authorized by the Lisbon government, and its negotiation is being undertaken by the new High Commissioner, Alzevedo Coutinho.

Attempts to negotiate a loan in the United States have apparently failed, partly from the unsatisfactory terms proposed and the doubtful authority of the negotiators, and partly from the mechanations and adverse reports of the British banking interests.

The most that has been secured is an offer of credit at very favorable terms of \$500,000 from the Baldwin Locomotive interests for supplying material. This offer has not yet been accepted, and will possibly have to await the
Arrival

-4-

arrival of the new High Commissioner, for the interim Governor is reluctant to commit himself. No definite action has as yet been taken on the British export credit scheme of £250,000 for similar material.

EFFORTS AT REFORM

The economic war with the Union of South Africa has compelled a realization on the part of the Portuguese of the seriousness of their predicament, and has aroused them to strenuous efforts to reform their finances and administration. Every source of revenue is being explored to the uttermost, and expenses curtailed in every way possible. All natives returning from the Transvaal are being obliged to exchange their British notes for Portuguese at par, although the difference is actually from 7% to 20%. The government has suspended for the coming year all furloughs to Europe and all good behavior leaves.

FINANCIAL POSITION OF THE GOVERNMENT.

As the result of these efforts, and the increase in the shipping and coal exporting business resulting from the congestion at Durban, as well as the unusually large number of vacationists which have come down from the Transvaal to Lourenço Marques, this season, and the somewhat better exports going from the province this year, from which the government derives large sums from export taxes; the financial position of the government appears to be somewhat better than it was two months ago, and it is finding it possible to pay its employees more promptly, and meet its foreign obligations, although its local outstanding accounts are not yet being paid.

Relations with Banco Nacional Ultramarino.

In

-5-

In addition to the £300,000 which the Government owes to outside interests, chiefly for items such as the new coal loading appliance, eight new cranes, and a quantity of rails, it also owes the Banco Nacional Ultramarino another £300,000 for sums advanced by the bank.

The Banco Nacional Ultramarino, through the operation of the currency law, which gave it a virtual monopoly of the foreign exchange business of the province, has had its resources severely strained to handle the volume of business, but at the same time has reaped a rich harvest from its situation. It has even attempted to press the government, by refusing to pay out the amounts which the government is obliged by contract to deposit with it, and for a time insisted on applying them to the debt and interest. The government objected strenuously and by pressure on the head office at Lisbon secured a reversal of this policy.

Present situation.

The government is by no means out of its financial difficulties. The first six months of the year showed a deficit of £100,000 in the customs receipts as estimated in the budget. It is by no means clear whether the real pinch will not come in November or December, when the vacationists return to the Transvaal, and when the export season is over.

THE NEW HIGH COMMISSIONER.

It may be that the new High Commissioner will find a way out of the difficulties. It appears that he is profiting by the experience of his predecessor, and is to bring with him a circle of key men to insure loyal cooperation in the administration.

The appointment of Alsevedo Countinho, as High Commissioner has not yet been officially notified, seemingly because

-6-

because he has not yet completed his plans, and arrangements to be in readiness to come to the province. His selection of new officials, however, appears to be fairly definite as far as the following are concerned.

Chief of Port and Railways,-Sa Carneiro- At present titular head, but who has been on leave for several years. He enjoys a very high reputation for energy, uprightness, and efficiency.
Director of the Treasury,- Velhino Correia.
Directory of Administration of the Interior,-Pinto Basto.
Chief of Cabinet,- Co; Invens Ferraz.
Aid de Camp,- Lt. Duarte Silva.

THE PROBLEM BEFORE HIM.

The problem facing the new government is very difficult. Even if the new Convention is negotiated, there will after the recent experience with the British, be great reluctance to placing the province ~~again~~ further into their power by negotiating the loan in London, although it may be necessary to do so.

Port improvements, and railway extension are pressing, and British economic pressure will continue to be severe. Finances for development are felt to be imperative, and there is every reason to believe, that before accepting the British loan, the new High Commissioner, will seek to obtain the money in the United States. A loan in America on reasonable terms at 7% or 8% interest for £5,000,000 or £6,000,000 would be ample to clear up outstanding obligations, and effect improvements, particularly in the way of new railways, which are imperative if the country is to be developed, or even opened up. Such a loan would save the Portuguese.

AMERICAN ATTITUDE.

Viewed economically from the American point of view, American policy toward such a loan depends on whether it will result in an increased activity of American trade in the province. Such a loan would probably postpone

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and perhaps entirely prevent the acquisition of the province by Great Britain. In this case it would be a question whether with the incentive of this loan to purchase goods in the United States, and the lack of any prejudice against American goods which characterizes the Portuguese, in contrast to the British South African/^{the loan} would not assure a larger market than would the possibly more rapid development of the province under British control, which would produce a larger total provincial trade, but ~~at~~ which the United States would secure a much smaller per-centage.

Viewed as a business proposition the loan itself if reasonably secured is far from unattractive. Collections from the local government are privately impossible to enforce, but on the other hand the government though slow in paying has the reputation of always ultimately meeting its obligations, particularly those abroad. Much would depend on the nature of the guarantees, and security, and it would undoubtedly be well to insure that the money was actually spent on construction work, but as an investment proposition such a loan appears more attractive than many on the Continent of Europe, for the province undoubtedly has great resources for the production of sugar, copra, sisal, mangrove bark, pineapples, and other tropical produce, which await only transportation facilities, particularly railways, to assure the province an important future.

I have the honor to be, Sir,

Your obedient servant,


Cecil H. P. Cross.
American Consul.

File No. 800

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LEGATION OF THE
UNITED STATES OF AMERICA

Lisbon, Portugal 106582

No. 491.

6 September 1923.

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DEPARTMENT OF STATE
SEP 26 1923
DIVISION OF WESTERN HEMISPHERE AFFAIRS
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DEPT. OF STATE
SEP 26 1923

The Honorable

The Secretary of State
Washington, D.C.

ACKNOWLEDGED
Department of State
OCT 1 1923
Division of
Political and Economic Information

Office of Economic Affairs
SEP 24 1923
DEPARTMENT OF STATE

Sir:

I have the honor to refer to my despatch [number 485, of August 31, 1923, last], quoting an address delivered by Senhor Manoel Teixeira Gomes at London on August 30th, in which the President-elect referred to the secular political and military alliance existing between his country and Great Britain, and to the important questions now pending between the Union of South Africa and the Portuguese colonies of Angola and Mozambique.

In this connection I have the honor to state that today's local press reports the prospective early departure of Senhor Azevedo Coutinho, High Commissioner of the latter colony, for Lisbon en route to London, where he will treat "matters of vital importance to the colony, among them that of the revision of the existing treaty between Mozambique and the Transvaal".

The

PMT PM
OCT 2 1923

SEP 24 1923

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The press likewise refers to the probable arrival in
Lisbon, on or about October first, of Senhor Norton de Matos,
High Commissioner of Angola.

I have the honor to be, Sir,

Your obedient servant,

J. W. Carroll

J. W. Carroll
Charge d'Affaires ad interim.

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OFFICE OF THE ADVISER
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AMERICAN CONSULATE.

lourengo Marques, P.E.A., September 16, 1923. AC-2

SUBJECT: Probable Terms of the New Mozambique Convention.

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OCT 15 1923
Copy to Commerce
THE HONORABLE
Rin

THE SECRETARY OF STATE.

WASHINGTON.

Department of State

NOV 16 1923

Division of

Political and Economic Information

SIR:

I have the honor to report that it now appears almost

certain that a new Mozambique Convention will be concluded before the end of the current year. Both the Portuguese and General Smuts have receded from their extreme positions and the essential points appear to have already been tacitly agreed upon. The details alone remain to be worked out but no serious difficulty is anticipated unless something very unforeseen develops, for both sides are anxious to reach an agreement.

PROVISIONS.

In the main the new Convention is expected to follow the lines of the old one, but will apply to the whole of the Union of South Africa and not only to the Transvaal.

(1) There will be the provision for the free interchange of the products of the soil and industry of both countries..

(2) The provision for the freedom of the transit trade from duties, and for facilities for it, will be carried out as under the old Convention and under the existing modus

vivendi

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vivendi, with perhaps some elaboration.

The Portuguese are demanding that the freight rates in the so called competitive zone, that is the region which may be served by either Lourenço Marques or Durban shall be fixed on a mileage basis, to prevent a diversion of the traffic to Durban by special flat rates as has been done in the case of the maize and citrus fruit crops. Some such arrangement will probably be provided for.

(3) The existing provision for the recruiting of native labor in Portuguese East Africa for the mines in the Union of South Africa will be continued.

The Portuguese are demanding in addition, what is called locally deferred pay, a provision whereby the natives will not as hitherto receive all their wages in Johannesburg, or wherever they may be working, with the result that a large portion of it is spent among the traders there, but some 75% of what they may earn will be remitted to their homes through the Portuguese government, which after deducting the hut tax and other amounts will pay it to the "boys" upon their arrival at home.

This provision is exciting very bitter opposition among the Johannesburg merchants, who have large and powerful political interests back of them exerting pressure on General Smuts. It will probably have to be conceded, for the bluff at eliminating the use of Portuguese natives from the mines can no longer be maintained. A serious labor shortage is now already in existence on the Rand mines, said to amount to 15,000 natives. Some mines have been obliged to suspend operations, and others to reduce their activity. The British natives are not available this year because of the good crops, and there is no longer any curtailment of operations such as was brought about by the "revolution" of last year. At best
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the Portuguese native cannot well be dispensed with, because of his greater efficiency, and the longer period for which he contracts. The British are evidently faced with a serious situation. Their attempt at restriction has been abandoned, but as yet recruits enough have not been secured to make up the deficiency of the labor. The mines must have the labor, and it is being used as a powerful lever to obtain the "fair" share of the transit traffic, and the "deferred pay." It is probably one of the principal forces which has compelled General Smuts to modify his attitude, and to render him ready to conclude the new Convention.

The Portuguese are insistent on the "deferred pay", because it promises to enable them to rehabilitate their finances. Approximately \$2,500,000 annually is earned by the natives. At present such as is being brought back by them is taken away from them at the frontier, and for each British pound note, they receive in return a depreciated Portuguese pound, which at present stands at a discount of over 20%. Probably considerably less than 50%, however, of the amount is now being brought back by the natives, who prefer to purchase clothing and other articles in Johannesburg. If the government can secure 75% of the amount earned, making 20% plus the hut tax on it, the proceeds will do much to rehabilitate the finances, and restore the currency. It will also very materially stimulate the trade in the interior, by making the natives do their spending at home.

(4) In return for these concessions the British will be granted, not the complete control of the port and railways which was originally demanded, but merely direct but minority representation on an executive board controlling the port and railways of Lourenço Marques.

This settlement removes the rock on which the previous negotiations were wrecked. General Smuts's original position.

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position has been made quite untenable by the labor situation on the mines, the Rhodesian vote against uniting with the Union of South Africa, and the gradually increase in the strength of the opposition parties.

No agreement has been reached as to the life of the new Convention, but 25 years is spoken of.

Viewed as a whole the Portuguese appear to be the chief gainers by the new arrangements, but it may be found that the minority representation on the board controlling the port, will be fully the equivalent of complete control, and will be a big step toward the ultimate acquisition of this part of the province.

General Smuts has sailed for London to attend the Imperial Conference. He will be met there by Sig. Azevedo Coutinho, who was formally appointed as the new High Commissioner on August 25, 1923, relieving Dr. Brito Camacho. A conference will be held between them and Lord Curzon, and it is expected that the details of the New Convention will then be worked out.

LOAN

It is understood that the new agreement will also involve a loan of perhaps \$30,000,000 to this province by British financiers. In this connection it is rumored that Sig. Coutinho will not come out to this province unless he secures the loan which has already been authorized by the Portuguese Parliament. The political entanglements involved in such a loan are obvious, and probably some effort will be made to obtain the money in the United States. Some obscure negotiations are also in progress with the Banco Nacional Ultramarino for the floating of a loan similar to that given to Angola.

Desperate Financial Situation.

The currency situation in the province continues acute.

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The government is not yet able to pay its employees promptly, and is not meeting its domestic bills, although with some few exceptions its foreign bills are paid on time. The official bank, the Banco Nacional Ultramarino has now refused to discount any longer bills on this province drawn in Portugal, and will only accept them for collection with the understanding that it will make the remittance at its convenience.. This action means the ~~paralysis~~ of the trade with Portugal, in the same way that other foreign trade has been curtailed. As things stand at present the currency law has had the effect of destroying all banking facilities, and the commercial community is growing very restless.

It is difficult to see, however, how the situation can be remedied without a loan, until the effects of the deferred pay, and the increase in shipping in the port of Lourenço Marques begins to be felt. The bank is apparently discriminating against British trade, ~~by~~ so far as it is able. It has been known to accept for collection a Swiss draft, and on the same day refuse a British draft on the same firm for a similar amount. On the whole American firms are receiving as favorable treatment as any, but the situation is very difficult for all business. The most important French firm in the city is closing, and a large British firm is on the point of going into liquidation.

NEW ACTING GOVERNOR.

In conformity with the appointment of the new High Commissioner, Sig. Azevedo Coutinho, there has been a prompt change in the local administration. Si. Teodoro Macedo has been replaced by Dr. Moreira da Fonseca, who held the same office in 1919-1921. At that time he left a good record, turning over a considerable sum of money in the treasury to his successor Dr. Brito Camacho. His appointment is apparently primarily a political one, but is very generally applauded locally. The only ones to oppose it

are

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are the labor supporters in the city, who cherish a grudge against him for the summary manner in which he put down one of their strikes. It is difficult to see how he can accomplish much at this time, beyond restoring efficiency in the administration of the province.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. P. Cross
Cecil M. P. Cross.
American Consul.

File No. 800.



EMBASSY OF THE
UNITED STATES OF AMERICA

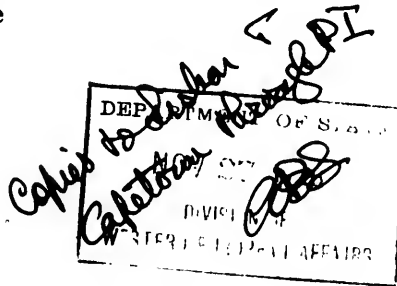
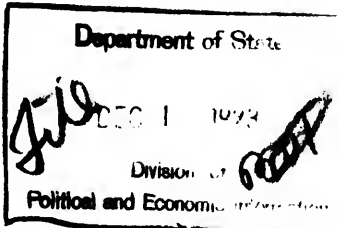
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London, November 15, 1923.

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Index Bureau
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NOV 23 1923
Dep't. of State



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INDEX BUREAU

FILED
DEC 1 1923

The Honorable

The Secretary of State,
Washington.

Sir:

I have the honor to enclose a clipping, in triplicate,
from the MORNING POST of November 8, 1923, concerning the
negotiations between representatives of the Portuguese
Government and General Smuts for a Convention between
Mozambique and South Africa.

I have the honor to be, Sir,

Your obedient servant,

Post Wheeler
Post Wheeler
Chargé d'Affaires ad interim.

Enclosure:
MOZAMBIQUE PROBLEM,
MORNING POST, November 8, 1923.

PAPER: MORNING POST

DATE: November 8, 1923.

CITY: LONDON.

MOZAMBIQUE PROBLEM.

London Negotiations to be Continued at Capetown.

Dr. Augusto Soares, head of the Portuguese Diplomatic Mission now in London, had a farewell conference yesterday, learns Reuter, with General Smuts before the latter's departure for South Africa tomorrow. The Union Prime Minister said he preferred that the London negotiations should be resumed in South Africa, and asked that the High Commissioner for Mozambique, on his way to assume his post at Lourenço Marques, should remain at Capetown for a few days and resume the conversations with General Smuts. Dr. Soares declared yesterday that he was sure that a satisfactory agreement would be reached. He added:

It is quite untrue that any impasse has arisen, and I believe that our case has been put so clearly that the Union Government will accept it. The one desire of the Portuguese delegation is to come to an arrangement to work in closer co-operation than ever with our South African neighbours and to make Lourenço Marques a wide open door and improve the position so as to cope with the future trade with the Union of South Africa.

The Portuguese delegation will probably leave for Lisbon at an early date.



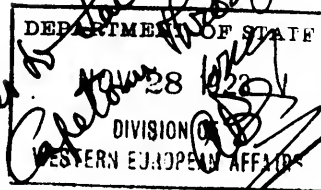
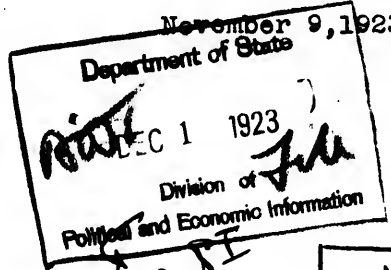
LEGATION OF THE
UNITED STATES OF AMERICA

Lisbon, Portugal

November 9, 1923

No. 576

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INDEX BUREAU
748 A.53g/53

The Honorable
The Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform the Department that to-day's local press reports that the negotiations which have been in progress in London between General Smuts and Doctor Augusto Soares for the conclusion of a convention regulating the relations between the Union of South Africa and the colony of Mozambique ended yesterday, and that General Smuts, who is about to return to Cape Town, has suggested that the conversations be resumed in that city upon the return to Africa of the ~~Portuguese~~ ^{High} Commissioner of Mozambique, who will of necessity stop at Cape Town en route to Lourenço Marques.

It would seem from the above report that

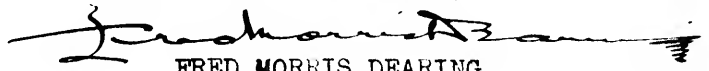
General...

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General Smuts believing that the Portuguese delegates were temporizing and standing on their dignity, became impatient and abruptly terminated the negotiations intimating to the Portuguese that when they were in a sufficiently chastened frame of mind, they could come to him at Cape Town to resume the discussions.

I have the honor to be, Sir,

Your obedient servant,


FRED MORRIS DEARING

O SEculo
LISBON
November 9. '23

Portugal e a União Sul Africana 9.XI.23.

A ultima conferencia em Lon- dres com o general Smuts

LONDRES, 7.—O sr. dr. Augusto Soares, o coronel Ivens Ferraz e o chefe do gabinete do alto-comissario de Moçambique tiveram hoje a ultima conferencia com o general Smuts, que deve partir depois de amanhã. O general Smuts declarou que era preferivel que as negociações iniciadas em Londres prosseguissem na cidade do Cabo, onde o alto-comissario de Moçambique poderia deter-se alguns dias, antes de se dirigir a Lourenço Marques. Depois da conferencia havida, o sr. dr. Augusto Soares informou a Agencia Reuter de que previa a conclusão de um acordo satisfatorio, porque, disse ele, expoz tão claramente a situação portugueza ao general Smuts, que sem duvida a União Sul-Africana aceitará a sua tese. Tendo o general Smuts, dito que concordava que a comissão conjunta de Lourenço Marques não choraria a qualquer resultado, o sr. dr. Augusto Soares acrescentou que a delegação portugueza tem o mais vivo empenho de chegar a um accordo, que lhe permita cooperar mais estreitamente com a União Sul-Africana, e abrir largamente as portas de Lourenço Marques á expansão da Africa do Sul. O sr. dr. Augusto Soares disse tambem ao general Smuts que o considera o maior politico sul-africano depois de Cecil Rhodes, o qual desejou vivamente que se chegasse a um accordo com os portuguezes.

Declarações do sr. dr. Augusto Soares ao «Morning Post»

PARIS, 8.—O «Morning Post» publica declarações feitas a um seu redator pelo sr. dr. Augusto Soares, em que este diz esperar uma solução satisfatoria das negociações, que serão continuadas na Africa do Sul. —(Seculo)

Portugal na Africa do Sul 10.XI.23.

As negociações interromperam- se temporariamente

Como já hontem dissemos em telegramas dos nossos correspondentes, suspenderam-se as negociações que vinham sendo estabelecidas em Londres sobre a convenção com a Africa do Sul. Do Ministerio das Colonias foi-nos enviada sobre o assunto a seguinte nota officiosa:

O general Smuts, a quem fora apresentado e esclarecido, em successivas conferencias com a nossa missão em Londres, o ponto de vista portuguez sobre a nova convenção entre Moçambique e a União Sul-Africana, alegando a crise ministerial em Portugal e a necessidade de seguir para Cap-Town, manifestou o desejo de que as negociações sejam temporariamente interrompidas, realando-se, de novo, logo que o alto-comissario de Moçambique assumo o seu cargo na colonia.

O Governo, accedendo ao desejo manifestado, deu já as necessarias instruções no sentido conveniente.

A missão portugueza vai regres- sar em breve

PARIS, 8.—A missão portugueza que tem estado em Londres com o fim de realisar negociações para um convenio luso-sul-africano deve regressar em breve a Lisboa. O ponto principal da divergencia entre a missão e o general Smuts consistiu na nomeação de uma comissão conjunta de administração do porto de Lourenço Marques. —(Seculo)

O SEculo
LISBON
November 10, '23

Portugal e Africa do Sul Ao continuar as negociações em Londres

LONDRES, 9.—Em consequencia de haver sido aditada a partida do general Smuts, poderão proseguir as negociações com a missão portugueza. —(Seculo)

Seculo, 10.XI.23.

744-539
No DEPT. OF STATE

DEC 19 1923

AMERICAN CONSULATE,

ACKNOWLEDGED Lourenço Marques, P.E.A., November 10, 1923.

SUBJECT: Failure of Negotiations for new Mocambique Convention

THE HONORABLE

THE SECRETARY OF STATE.

WASHINGTON.

SIR:

DEC 18 1923

I have the honor to report that telegraphic advices received by the local press confirm the reports that the negotiations proceeding in London for a new Mocambique Convention, have ended in failure, and have been broken off for the time being at least, although the expectation is expressed that they would be resumed in Capetown at some future time, perhaps early in the year 1924.

Reasons for the Failure of the Negotiations.

The local community has been kept in complete ignorance of the progress of the negotiations, but misgivings began to be felt as to the outcome, as soon as it was learned that the new High Commissioner, Com. Azevedo Coutinho, had decided not to accompany the negotiators to London to meet General Smuts.

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The rock, however, on which the negotiations which two months ago were believed to be almost certain to be successful, were shipwrecked seems to have been most directly the uncertainty created by the sudden fall of the Lisbon ministry.

But, even before this complication arose it appears

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DEPARTMENT OF STATE

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that the negotiations would have been abortive, because of difficulties over the composition of the executive board proposed for the port and railways of Lourenço Marques. The proposed tariff agreement is also believed to have caused considerable difficulty, for both sides have been growing more and more lukewarm toward it.

Effects of the Failure of the Negotiations.

The suspension of the negotiations leaves matters substantially as they have been for the last eight months. It seems probable that the existing *modus vivendi* will be prolonged indefinitely. This agreement covers tacitly the transit trade, and formally the recruiting of native labor in Portuguese East Africa for the Transvaal mines.

The existing provisions of the latter are by no means satisfactory to the Portuguese, because they do not provide for the deferred pay for the natives, which they desire in order that the native laborers may be obliged to receive and spend the greater part of their wages in Portuguese territory, instead of as now spending the greater part in the Union of South Africa where they work. It seems very improbable if any change can be effected in the immediate future.

Loan

So far as can be learned here, the negotiations for a loan of £5,000,000 for the development of this province which was an important corollary of the convention proper, have also fallen through. An unconfirmed report from London says that serious negotiations, are, however, in progress with some unnamed group of American bankers,

but

BY James E. Thomas DATE 7/21/65

-3-

~~but~~ yet no open and serious attempt by any authorized individual in the colony itself, has been made to obtain such a loan in the United States.

It does not appear that those in authority are as yet willing to pledge the great natural resources of the province, or to give the guarantees either in the setting aside of certain revenues, or otherwise providing for payments, in a way to make such a loan the satisfactory business proposition, which it might be made.

Vigorous Reorganization of the Government in Progress.

To offset the disappointment in the failure of the Convention negotiations, which is felt by both the British and Portuguese elements of the local population; the vigorous policy being pursued by the new Acting Governor General Dr. Moreira da Fonseca, is creating a very favorable impression.

Several high officials have been suspended, transferred or asked to resign, for misconduct of office, some of them being the close personal friends of Dr. Fonseca, himself.

The scandal connected with the exchanging of the money of the native laborers returning from the Transvaal has been attacked vigorously.

The gambling casinos in Lourenço Marques have been closed.

This vigorous policy has borne fruit already, for the government for the first time in seven months has paid its employees in Lourenço Marques at least on time.

The Government has not yet made much progress in liquidating its outstanding accounts, and it is reported that the employees in the interior are still three months behind

-4-

behind in their salaries. None the less the progress which has been made has created a very favorable impression, and is inspiring confidence that some way may yet be found out of the present situation, even without the loan or a new convention.

Delay in Arrival of the New High Commissioner.

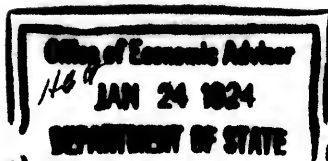
No definite information has been received as to the probable arrival of the new High Commissioner, Com. Azevedo Coutinho, and it is persistently rumored that after the failure of the convention and the loan, he very probably will resign and not come at all.

Business continues very much depressed, although the port is active and the coal trade brisk. The general public is awaiting developments apathetically, and the antagonism between the British and Portuguese which seemed to be on the decrease, is again high.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. P. Cross
Cecil M. P. Cross.
American Consul.



AMERICAN CONSULATE.

Lourenço Marques, P.E.A., December 17, 1923.

SUBJECT: Discussion between Rhodesia and the Mocambique Company relative to the Port of Beira.

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON.

JAN 25 1924

SIR:

I have the honor to report that early in the month of December, Sir Charles Oughlan, Premier of Rhodesia paid a visit to Beira, in the course of which, he took up with the Governor, the question of a convention between Rhodesia and the Mocambique Company to cover the transit trade of Beira, particularly with regard to the port charges imposed thereon and the desirability of preventing large or abrupt increases in them. It does not appear that any definite conclusion was reached, but it is reported in the press that future developments are to be expected.

The immediate cause of the difficulty appears to have been the increase in charges recently proposed by the Mocambique Company, but which were dropped for the time being on the general protest of the shippers.

A similar attempt to increase the revenues by raising the stamp taxes at Beira, resulted in a three-days protest strike, on the part of most of the shop keepers in Beira. The government yielded in part but as yet has stood firm in its refusal to suspend this decree as far as the stamp taxes are in question. The leading British firms refused to join the strike, and it is believed that the difficulty which the

Mocambique

-2-

Mozambique Company has been encountering recently with the inhabitants of its territory, is due to the antagonism of the Portuguese against the company which is so largely British. Whether this opposition will delay or otherwise affect the Convention negotiations remains to be seen.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. Cross
Cecil M.P. Cross.
American Consul.

File No. 899

No. 110 APR 8 1924

AMERICAN CONSULATE,

Lourenço Marques, P.E.A., January 30, 1924.

SUBJECT: Friction Between Portuguese and British
Over Mine Labor, and other matters.

CONSULAR PERSONNEL

THE HONORABLE

DEPARTMENT OF STATE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that after a period of
quiescence extending over two months a fresh series of
incidents has occurred which indicate that the relations
between the Union of South Africa and this province will
be strained even further than heretofore.

EFFORTS TO INCREASE PRESSURE ON THIS PROVINCE.

In their essence all of the moves yet made are apparently
part of a determined attempt on the part of Smuts' government
to bring increased pressure to bear on this province to force
a concession to him of the control of the port and railways
of Lourenço Marques, or failing this to render the Union of
South Africa so far as possible independent of Portuguese
territory. On the other side the Portuguese are seeking to
retaliate in every way in their power against the British.
On both sides many of the actions are mere pin pricks, which
though irritating can have but little effect beyond stirring
up resentment. Other, however, are of more importance.

At the time of the failure of the London negotiations
between Si. A. Soares and General Smuts in London, which at one
time promised very well for a mutual agreement, it was defi-

nately

INDEX BUREAU
APR 12 1924
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Copies to London
and Lisbon
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APR 12 1924
748a. 538/5
INDEX BUREAU
FILED
APR 14 1924

-2-

nately understood that General Smuts had abandoned all intention of controlling the port and railways, and both sides appeared optimistic of ultimate success in reaching an agreement. Since that time there has been no formal restatement of policy by General Smuts or his government, but there is every indication of a revival of a determination to exert all possible pressure on the Portuguese in an effort to force concessions from them.

REVIVAL OF KOSI BAY PROJECT.

There has in the first place been a revival in the press apparently from inspired sources of the talk of constructing a new port on the Zulu land coast within the territory of the Union of South Africa, to replace Lourenço Marques as the port of the Transvaal. When first broached this scheme was regarded as a mere bluff, but a certain amount of credit is now being given it, if funds should be forthcoming for the work, the cost of which will run into the millions.

PAYMENTS IN DEPRECIATED PORTUGUESE PAPER.

The Auditor General of the Union of South Africa has also aroused a storm of local protest, by advocating that the payments which the Union of South Africa is under existing agreements bound to make to the Portuguese Provincial Government, such as the seven shillings customs charges on the effects of each laborer returning from the Transvaal mines to Portuguese East Africa, should be made in paper escudos instead of British pounds. Since the escudo has depreciated to less than a thirtieth of its par value, and the agreements say nothing about gold, it would be obviously profitable to the Union of South Africa to do this, but it would undoubtedly lead the Portuguese to denounce what little remains of the old Convention which may be done by six months notice.

STOPPAGE

•5•

STOPPAGE OF RECRUITING

The move which has aroused the greatest resentment and concern, and which from the point of view of this Province is by far the most serious is the entire stoppage of recruiting of natives for the Transvaal mines during the month of February. The authorities of the Union of South Africa responsible for the order, assert that their action is based solely on the bad agricultural situation, and is intended to secure for the natives of the Union, places on the mines which they could not secure if the free competition of the Portuguese natives were permitted. The the Union Natives are only willing to contract for six months at a time, and are relatively inefficient. For this reason the Portuguese natives would be preferred, if the recruiting were allowed. For several months the number of Portuguese natives has been curtailed, but February is the first month in many years that it has been entirely stopped.

In part the move is intended to try to compel the South African native to accept longer contracts, and in other ways develop to a stage of efficiency comparable with the Portuguese natives, but it is doubtful if it will accomplish much in this direction.

Primarily, however, it appears to be intended as a body blow at Portuguese East Africa, which has for years depended on the Transvaal mines as one of its most lucrative sources of revenue. The funds derived directly or indirectly from the natives which go there to work have been the largest items in the provincial budget.

What other political motives are involved in this decision to stop the Portuguese natives going to the Transvaal mines, are not known, but the local community is awaiting developments on these lines with both interest and anxiety.

The Portuguese are deeply aroused and the feeling against the

-4-

the British, and the feeling is rapidly becoming as bitter as it was a year ago. The Portuguese government is considering retaliating by stopping recruiting for March and April, or for later months, when the demand for Portuguese natives cannot be met by substitutes within the Union of South Africa. It is doubtful if this would be possible under a strict interpretation of the Convention, but if the Convention were denounced and the prohibition imposed at a proper time, the Johannesburg gold mines and the Whitbank coal mines would be crippled. As a steady business the mines cannot depend on the short term, casual labor of the Union or South Africa native, who works only when he cannot obtain what few things he regards as the necessities of life elsewhere.

The normal number of natives going to the mines from this province is approximately 5,000 a month. The stoppage of this for a few months, even if partly offset by clandestine emigration at the end of the harvest when it is almost impossible to obtain natives in the Union of South Africa, would speedily result in the closing down of the mines. If this action should be taken very serious trouble between the two governments could not be avoided.

MINOR SOURCES OF FRICTION.

Minor sources of friction are also constantly cropping out, in the enforcement of the Portuguese visa requirements for transit passengers through this port, and the tightening of the government's measures for the control of foreign missionaries, particularly in the Southern part of the province, where in particular, British penetration is feared.

BEARING ON THE LOAN SITUATION.

It is not clear just what bearing the developments in the labor situation has on the loan negotiations, which are still continuing, but are apparently encountering serious obstacles.

It

-5-

It is officially asserted that the loan has no connection with the Convention but it is incredible in view of the recent developments that General Smuts has no interest in what would render the Government of Portuguese East Africa, entirely independent, or that his influence with London financial interests is a thing of the past.

According to official information received by the local government, the loan is practically concluded, although the terms have been somewhat revised owing to opposition in the Lisbon parliament. As now proposed the loan is to be for £5,000,000, to be obtained by bonds issued at 98 in two series bearing interest at 6 1/2% for 30 years. Amortization begins in three years. The sources of the loan are not definitely stated, being referred to as "London financiers".

The only security offered is to make the loan and the interest charges a preferred item in the annual budget of the province. It was at one time proposed to have the expenditure of the loan supervised by a representative of the underwriters, but so far the Portuguese have refused this.

The revised terms require that only 30% be expended for material in Great Britain, instead of the entire amount as originally reported.

These terms are so favorable that further details are anxiously awaited, for it is not believed that even the fear of the labor government in England, would render investors in London sufficiently anxious to get their money out of the country to induce them to offer such conditions, without other strong inducements. So far all the rumors of the actual conclusion of the loan, have not been reliably confirmed, and the hand of General Smuts has not appeared openly in the negotiations.

I have the honor to be, Sir,

Your obedient servant

Cecil M. F. Cross
Cecil M. F. Cross
American Consul.

DEPARTMENT OF STATE

DIVISION OF WESTERN EUROPEAN AFFAIRS

CO - EP

Mr Cross' despatch is an excellent summary of the present situation existing between Portuguese E. Africa & the Union of S. Africa. It is concise, readable and comprehensive. I have accordingly graded it "excellent".

5/IV

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CONSULAR PERSONNEL
Efficiency Record
Noted 1/17/1924
DEPARTMENT OF STATE

APR 8 1924

748a. 530/52



APR 8 1924

Cecil M. P. Cross, Esquire,
American Consul,
Lourenco Marques,
Portuguese East Africa.

Sir:

The Department has received and desires to commend you for your despatch No. 110, of January 30, 1924, entitled "Friction Between Portuguese and British Over Mine Labor, and other matters."

The Department desires that you follow this situation closely, reporting thereon from time to time and sending copies of your despatches to the American Consul General at Cape Town for his confidential information.

I am, Sir,

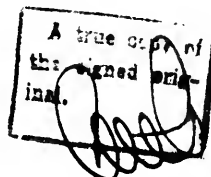
Your obedient servant,

For the Secretary of State:

HERBERT C. HENGSTLER

WE:ABL:JDD
WE:748a.53q/56

QBS



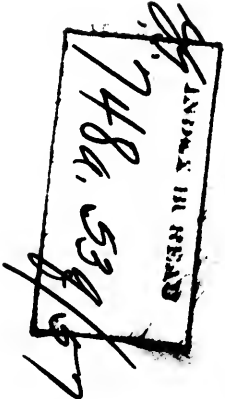
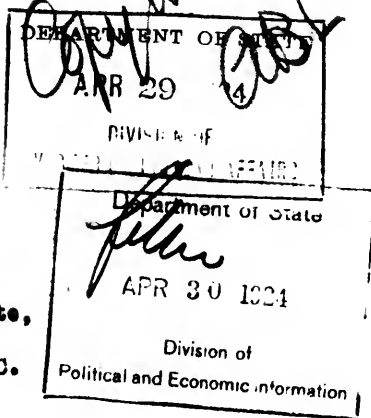


LEGATION OF THE
UNITED STATES OF AMERICA

Lisbon, Portugal,

April 10, 1924.

No. 784



The Honorable,
The Secretary of State,
Washington, D. C.

Sir:

I have the honor to inform the Department as of possible interest in connection with the relations subsisting between the Governments of the Union of South Africa and of Mozambique that arrangements for the projected visit of the Prince of Wales to South Africa have been suddenly canceled following the resignation of the Smuts Cabinet as a result of a local electoral defeat.

I would likewise remark that the Second British Light Cruiser Squadron, consisting of five cruisers under the command of Rear Admiral Sir Thomas Gilbert, who flew his flag on the Ouracca, arrived recently in the Tagus for a visit of five days, during which time Sir Thomas and the British Minister were re-

received

APR 30 1924

-2-

ceived at the Palace of Belem by the President of the Republic,
and a banquet of some fifty covers was tendered to him and his
officers by the Minister of Marine.

Copy of this despatch has been transmitted to the
European Information Center at Paris.

I have the honor to be, Sir,

Your obedient servant,

JrCanoll

Charge d'Affaires ad interim.

Office of Economic Adviser
MAY 10 1924
DEPARTMENT OF STATE

130692
Copies hereto to be sent to Commerce
Copy also to Tariff Comm.
Ship Board
AT SAG.

No. 138



AMERICAN CONSULATE.

Lourenço Marques, P.E.A., March 28, 1924.

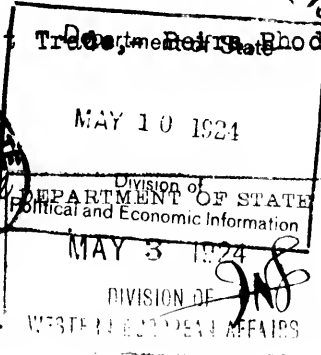
4081 MAY 5 1924

SUBJECT: Adjustment of Transit Trade, Beira, Rhodesia.

THE HONORABLE

THE SECRETARY OF STATE.

WASHINGTON.



INDEX BUREAU
7484.539/58

SIR:

I have the honor to report that by formal decree the Lisbon authorities have cancelled the so called light house dues at Beira. As reported in the Despatch of this Consulate No. 102, dated December 17, 1923, these light house dues, which amounted to five pence per ton on all goods passing through the port of Beira, were one of the causes that led Sir Charles Coghlan, the premier of Southern Rhodesia, to pay a visit to Beira, to confer with the authorities there with a view to reaching some agreement, to prevent the transit trade being subjected to sudden variation in the amount of the charges levied upon it.

No definite result was achieved at the time, but the general protests of the merchants and the shipping interests, induced the Mozambique Company to suspend the stamp taxes which also were objected to, and to suspend the light house dues pending a reference of the matter to Lisbon. The approval of the Lisbon authorities has now been received, and this cause of friction has now been removed.

BEIRA DEVELOPMENT COMPANY.

There has also been a declaration by the Beira Development Company, Ltd., that whatever improvements are made by it at Beira, the charges at present imposed on the transit trade

trade

MAY 3 1924

MAY 17 1924

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MAY 17 1924

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trade will not be increased. It is doubtful if for the present any more formal agreement will be reached, for the port situation at Beira is so complicated that it will be difficult to reconcile all interests in a formal convention which would receive the assent of all.

The Beira Development Company, is a concern organized under Portuguese law to take over from the Mocambique Company the construction and operation of the projected harbor improvements at Beira. Its contract with the Mocambique Company for this purpose has just been approved by the Lisbon parliament.

Its nominal capital is £1,000,000. Half of this amount has already been subscribed equally by Paulings Ltd, the railway contractors, and a French firm. The securing of the balance of the money is not expected to be difficult. Sir George Buchanan of the firm of Buchanan and Meek, who last year inspected the ports of the Union of South Africa and pronounced on the feasibility of Kosi bay, is to come out shortly and begin the preliminary survey work.

The organization of the Beira Development Company, as a technically Portuguese Company, to carry out the work for the Mocambique Company, which is itself largely British owned, although technically Portuguese, was done to meet the desire of the Portuguese that their sovereignty be safeguarded. After the experiences of Lourenço Marques, this issue has become a very live issue in the territory of the Mocambique Company as well.

Any formal agreement covering the transit trade would have to reconcile not only the somewhat divergent interests of the port company and the territorial company, with those of both sections of Rhodesia, but also with the Belgian Congo, and British Nyasaland.

Until the Messina-West

Nicholson

-3-

Nicholson, line in Souther Rhodesia to connect with Lourenço
Marques is carried through, or the Benguela railway is
completed, or the Congo route opened up, Rhodesia is very
much at the mercy of Beira, and is in a poor position to
bargain for any formal agreement. It is not likely that
the Beira authorities will be inclined to tie their own
hands in any way without securing corresponding advantages,
none of which Rhodesia is in a position to offer.)

NOT TO BE REPRODUCED OR
OFFICIAL INFORMATION.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. Cross
Cecil M. Cross.
American Consul.

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File No. 890

AMERICAN FOREIGN SERVICE

September 8, 1924.

No. 53

Office: Legation, Lisbon.

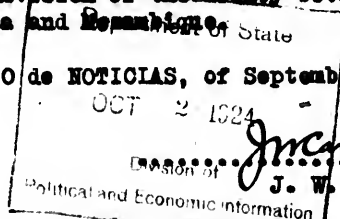
Geographic designation: Portugal/
Mozambique

Schedule No. P2500 Foreign Policy and Relationships
and Subject: P2550 Treaties-negotiation.

Title: The Possible Early Initiation of Negotiations for
the Revision of the Treaty between the Union of South
Africa and Mozambique.

Source: DIARIO de NOTICIAS, of September 8, 1924.

.....
J.W.C.



Reference to previous reports: Despatch of the Consul-General at
Cape Town, No. 199, of August 15, 1924.

A Capetown telegram of September 7th reports that the Minister of Finance of the Union Government has communicated to the Parliament of the Union of South Africa the correspondence exchanged with the Portuguese Government concerning the revision of the Mozambique treaty, stating at the same time that the Union Government is prepared to begin negotiations toward that end in the near future.

In quintuplicate.

Copy to Mission, London.

FILED
OCT 2 1924 A

In Quintuplicate.

NO. 223.

DEPT. OF STATE

OCT 11 1924

AMERICAN CONSULATE GENERAL,

Foreign Service Administration

Cape Town, South Africa, September 9, 1924.

SUBJECT: Negotiations between Union of South Africa
and the Portuguese authorities at Delagoa
Bay.

THE HONORABLE

THE SECRETARY OF STATE,
WASHINGTON.

SIR:

I have the honor to refer to my despatch No. 199 of
August 15, 1924, "Prospect of better relations between
South Africa and Delagoa Bay," and to Mr. Cross's No. 169
of August 30, 1924, from Lourenco Marques, "Concessions
to Portuguese by the Union of South Africa," and to report
that a member of the Union Parliament put a question on
Saturday last with regard to the Mozambique Convention.

The Minister of Finance, speaking for the Prime
Minister, replied that correspondence was at present pass-
ing between the Union Government and the Portuguese au-
thorities with a view to discussing the matter at an early
date.

I have the honor to be, Sir,

Your obedient servant,

D.C. Poole.

American Consul General.

720.

(Copies to American Embassy, London, American Legation
Lisbon, and American Consulate, Lourenco Marques).

DCP/B.

AMERICAN FOREIGN SERVICE REPORT

No. 102

DATE, November 18, 1924.

OFFICE: Legation, Lisbon.

GEOGRAPHIC DESIGNATION: Portugal/Mozambique.

SCHEDULE NO. AND SUBJECT: P2300 Relation to Dependencies and Mandates.

TITLE: The South African-Mozambique Rapprochement

SOURCE: Daily Press

(INITIALS OF OFFICER PREPARING REPORT)

J. W. C.

(SIGNATURE OF CHIEF OF MISSION)

J. W. CARROLL

REFERENCE TO PREVIOUS REPORTS: None.

GOVERNMENT PRINTING OFFICE

017008

1. As previously indicated by this Legation and the Consular offices at Capetown and Lourenzo Marques, the Government of General Herzog is endeavoring to effect a rapprochement between the Union of South Africa and Mozambique.

2. To-day's press reports the arrival at Lourenzo Marques, overland from Capetown, of High Commissioner Azevedo Coutinho, who returned to his post from London where he unsuccessfully endeavored to negotiate a loan with the Armstrong and Whitworth Company.

3. The Union Government placed at his disposition at Capetown a private train in which he traveled to Lourenzo Marques, being received en route at Pretoria and Johannesburg by British and Union officials and by the officers of the municipalities. A banquet was tendered him by the Chamber of Commerce of Johannesburg, and a luncheon by General Herzog at Pretoria, where the High Commissioner subsequently called on the Governor General of the Union.

4. During the Smuts regime, High Commissioner of Mozambique returning from the Metropolis made the Capetown-Lourenzo Marques journey on shipboard.

5. It is believed that while at Pretoria Senhor Azevedo Coutinho discussed with General Herzog the question of the renewal of the Mozambique Convention.

In quintuplicate

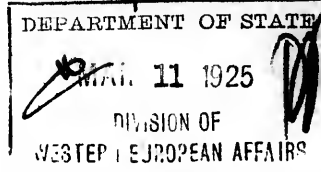
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Original

539
DEPT. OF STATE
MAR 20 1925



Division of *W.H.*



Copy in W.E.

W.E.
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7464.539/62

AMERICAN FOREIGN SERVICE REPORT

No. **53.**

DATE OF PREPARATION: February 6, 1925.

To: Department of State.

DATE OF MAILING: February 9, 1925.

OFFICE: Consulate, Lourenço Marques, Mozambique, Portuguese East Africa.

REFERENCE TO REQUEST: VOLUNTARY.

GEOGRAPHIC DESIGNATION: Mozambique.

SCHEDULE No. AND SUBJECT: P2090 Policy and action.

TITLE: Suspension of Negotiations with the Union of South Africa.

SOURCE: Local press and conversation with local officials.

Cecil M. P. Cross
(SIGNATURE OF OFFICER PREPARING REPORT)
Cecil M. P. Cross,
American Consul.

Cecil M. P. Cross
(SIGNATURE OF PRINCIPAL OFFICER)
Cecil M. P. Cross,
American Consul.

REFERENCE TO PREVIOUS REPORTS:

853 n. 01 / 2
Report No. 29, entitled: Program of New Government of Portuguese East Africa, dated December 10, 1924.

SUSPENSION OF NEGOTIATIONS WITH THE UNION OF SOUTH AFRICA.

1. The Negotiations with the Union of South Africa for the placing of relations between it and this Province on a more definite basis, have encountered obstacles the precise nature of which have not been made public.

2. Uncertainty of Local Situation.

The local political situation has become very obscure. A series of very extraordinary despatches have been received from Lisbon through the Reuter's Agency. On three occasions it has been announced by this agency that the High Commissioner was to be recalled to Lisbon, ostensibly to answer charges with regard to alleged excessive expenditure in connection with his visit to London to negotiate a loan.

None of these reports have been corroborated or confirmed, and the High Commissioner is still in Lourenço Marques carrying on the duties of his office. He declares that he is without any information with regard to the basis for these telegrams. In as much as the money spent by him was expressly appropriated by the Colonial Legislative Council for that purpose it is not possible to understand the grounds on which the reported charges are being made.

From the same source originated on two occasions reports that the British banks, meaning the National Bank of South Africa, and the Standard Bank of South Africa had decided to suspend all credit facilities in Portuguese East Africa. In as much as these banks outside of Beira, have for two years not been doing any exchange business and have been confining their activities solely to local transactions pending the solution of the currency controversy these cables were inexplicable to the business community, and the head offices

-2-

of the banks have denied any change in their existing policy.

The local banks managers declare that their instructions are the same as they have been for months past and so far as they know no change is contemplated.

3. Reported move for Annexation.

On February 3, 1925, the local press received but did not publish a Reuter's message, to the effect that Mr. Tielman Rooss, Minister of Justice in the present government of the Union of South Africa, was proceeding to London to conclude negotiations for the annexation of Lourenço Marques and the surrounding districts to the Union of South Africa. What possible basis for such a report there may be, is not known but it is inconceivable that there can be any truth in it. In some quarters it is regarded as possible that the only solution Portugal can find for its financial difficulties, will be the sale of some part of its colonial empire. The Union of South Africa would undoubtedly be very eager to purchase this port, and some well informed individuals are mentioning the sum of \$100,000,000.00. However it is generally regarded as some speculation and as far as can be judged the financial situation of Portugal is for the moment not sufficiently desperate to compel it to resort to any such measure.

4. Campaign against the High Commissioner.

The business community of Lourenço Marques is anticipating some move against the present High Commissioner on the part of the very powerful Banco Nacional Ultramarino and the Companhia Nacional de Navegação.

The grounds given for the antagonism are on the part of the bank the fact that the High Commissioner has set about seeking to reform the currency situation. Hitherto the bank has been crediting the government for £1 Portuguese for every £1 British which by its contract it was obliged to deposit

-with-

-3-

with them. The result has been a profit of about 30% on every transaction to the Bank. It has also been receiving approximately 8% on every article exported from this Colony by the somewhat complicated provisions of the currency law and by the bank insisting upon its own interpretation of the clauses. The High Commissioner has ended this, which obviously curtails the bank's profit very materially. In some circles it is thought that the machinations of the bank in Lisbon are back of the reported recall of the High Commissioner. Locally the bank is showing its hand by moving to secure control of the Chamber of Commerce. At the recent election it succeeded in doing so by exerting its influence upon a sufficient number of members to carry the election of its candidate. Its next move is awaited with some apprehensiveness.

5. Companhia Nacional de Navegação.

The Companhia Nacional of Navegação's grievance rests on the failure of the High Commissioner to put into immediate force the decree closing the coastwise traffic of Portuguese East Africa to all foreign ships. It is co-operating locally very closely with the Banco Nacional Ultramarino, and developments may be anticipated within the next few weeks.

6. Uncertainty of the Situation.

These facts have rendered the local political situation very uncertain and have apparently prevented any progress toward negotiating the new Convention with the Union of South Africa, because the local government apparently does not feel sufficiently secure in its tenure to embark upon them. On the other hand it was said by the representatives of the Union of South Africa who attended the local Vasco de Gama celebrations in December, that they would not be dis-

-posed-

-4-

posed to proceed with the negotiations until the currency situation had been rectified. In saying this they referred to the £300,000 Portuguese currency now held by the British banks which they accepted when it was at par, and which was declared inconvertible without warning and has since been depreciating steadily.

The British banks are insisting that these notes be redeemed at their face value before they will consider resuming business. The Government is undoubtedly endeavoring to restore the situation, but as yet its efforts have sufficed only to reduce the premium from 40% down to 34%, and the tendency apparently is now again upward. It is very doubtful if there will be any move on their side until something occurs to change the existing situation.

7. Interview of Portuguese Consul General in Johannesburg.

Senhor Rebelo de Melo Portuguese Consul General at Johannesburg has given to the press an interview in which he stated that the time is ripe for renewing negotiations, especially toward doing away with customs barriers between the two countries. It would appear, however, from the press notes upon this interview, that in as much as General Hertzog is now in Cape Town and as yet no move has been made toward fixing a date for negotiations none are likely to be undertaken in the very near future. Moreover it is stated that the Government of the Union of South Africa is awaiting first advances from the Government of this province and that, as yet none have been made.

*
In quintuplicate.

File No. 801.

1744.539
In quintuplicate.

NO. 224.

P O L I T I C A L.

AMERICAN CONSULATE,

Lourenço Marques, Portuguese East Africa,

April 17, 1925.

SUBJECT: Deadlock in Negotiations for a New Convention.

copy to WE.
EPT. OF STATE
MAY 26 1925
Division of
Administration

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

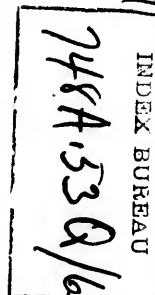
I have the honor to report that no progress appears to have been made within the past two months toward arranging a new convention between Portuguese East Africa and the Union of South Africa.

The reasons for this are not entirely clear, but there are reasons for thinking that the Government of the Union of South Africa is not as anxious as it was some months ago to reestablish the formerly existing relationship with this province.

Experiences of Local Delegate
at Capetown.

Among the principal grounds for this opinion are the experiences of Mr. J. O. Spence, who was sent as the delegate of the Chamber of Commerce and the local British community to seek to secure certain concessions from the government of the Union of South Africa at Cape Town. His efforts to secure the extension of the telephone line from Johannesburg to Lourenço Marques were not successful, nor was he able to make any progress toward furthering the move to complete the railway from Messina to West Nicholson, or to secure a daily train to and from Johannesburg to Lourenço Marques.

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FRI MAY 28 1925

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His failure in these respects was not entirely unanticipated, but in seeking an interview with General Hertzog with regard to the desirability of putting the existing "modus vivendi" on a permanent basis he was officially informed that an interview with the Prime Minister was unnecessary as the Prime Minister quite agreed on the desirability of a fresh treaty with Mozambique. He was privately informed, however, that the matter was not of sufficient importance to be taken up for some time, as there were many more serious questions pressing on the Prime Minister's attention.

This experience of Mr. Spence is locally interpreted as an indefinite postponement of new negotiations.

Portuguese Side.

On the Portuguese side the High Commissioner has reported to Lisbon where it has been issued to the Press, that owing to the economic development of the Union imports from Mozambique had decreased, while exports had not yielded sufficient revenue to cover expenditure in connection with the port at Delagoa Bay and the railway. Native labor for the Rand must necessarily decrease in view of the extraordinary increase in cotton growing in the south of the colony, which required the native labor itself. He added that no exception could be taken to the attitude of the Union, and he was confident that a friendly agreement could be reached.

These statements from both sides indicate a disposition to leave matters very much as they stand at present and have stood for the past 18 months.

•Existing-

BY James E. Thomas DATE 7/21/65

-3-

Existing Situation.

Under the existing situation the section of the old convention dealing with native labor for the Johannesburg mines is still in force, subject to denunciation of six months' notice. The natives continue to go at the rate of approximately 2,500 per month, and they are displaying a disposition to renew their contract in Johannesburg rather than to return to their homes because they fear it will not be easy to get back to the mines again, if the present government should decide to suspend recruiting in the same way that General Smuts' government did.

Transit Trade.

The transit trade from this port is covered by a tacit agreement which virtually continues the old existing arrangement by which heavy freight such as timber and iron, as well as a small amount of general cargo passes in transit without custom charges.

The statement of the High Commissioner that the existing agreement no longer paid the expenditure of the port and railway is somewhat questioned, as there seems to have been no perceptible decrease in the traffic, although the authorities of the Union of South Africa Railways have recently slightly increased the 20% ton mile differential against this port as compared to Durban.

For the present it seems that the matter has reached what may be regarded as a deadlock, and that the next move must come from the government of the Union of South Africa.

The High Commissioner has postponed his trip to the North of the Province, but apparently on account of the local situation and not in any way because of the possibility of

-renewing-

-4-

renewing negotiations with the Union of South Africa.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. P. Cross
Cecil M. P. Cross,

American Consul.

File No. 710.

DEPT. OF STATE

JUN 14 1925

SOLICITOR'S OFFICE

JUL 3 1925

DEPARTMENT OF STATE

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ACKNOWLEDGED

Office of Economic Adviser

JUN 20 1925

DEPARTMENT OF STATE

DEPARTMENT OF STATE

JUN 20 1925

DIVISION OF

WESTERN EUROPEAN AFFAIRS

NOT TO BE PUBLISHED AS
OFFICIAL INFORMATION.

yes

no

For Distribution

Commerce

Labor

War

JUN 24 1925

Div. of Distribution

JUL 9 1925

Dept. of State

No. 26.

NATAL AND THE MOZAMBIQUE CONVENTION.

From: Harry M. Lakin.

Consul.

Durban, Natal, South Africa.

April 30, 1925.

1. Historical Summary of the Convention: The Mozambique Convention which regulated the supply of native labor from Mozambique for the Transvaal mines, and the railway and customs tariffs between the two provinces, was allowed to expire on March 31, 1923, following the notice given a year before that date by the Union of South Africa to the Portuguese Colonial Government. During the year which intervened between the giving of the notice and the expiration of the Convention, negotiations were held in Cape Town (May, 1922), with a view to renewing it but an agreement was not reached. However, on March 31, 1923, the very day upon which the Convention would expire by the fluxion of time, a modus vivendi was arrived at and signed in Lisbon by the two Governments. By this agreement, only that portion of the Convention which related/

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JUL 10 1925

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related to the native labor supply, was renewed.

2. The renewal of this portion of the Convention was, in effect, an acknowledgment of the importance to the Transvaal mining industry of the native labor recruited in Portuguese East Africa (Mozambique). While those portions of the Convention relating to the free interchange of products between the two provinces were not formally renewed, both sides continued for some time to grant each other the facilities and privileges formerly enjoyed. The agreement which was entered into on April 1, 1909, was before the date of Union, but the Union Government, upon its formation, assumed in full the responsibility of maintaining the Convention in force.

3. The Transvaal-Mozambique Convention was, at the time of its coming into force, most bitterly condemned by Natal in general and by Durban in particular as being a most iniquitous piece of legislation. Due to the facilities which the provisions of the Convention gave to the Portuguese colony of Mozambique, they saw the commerce of the Transvaal being diverted to Lourenço Marques at the expense of Durban and its future as a port.

4. The Convention Lapses: The lapsing of the Convention, therefore, was an occasion for the greatest satisfaction to the industrial world of Natal and the shipping interests of Durban. No one has been heard to express any desire whatsoever for its renewal in any form. Recent rumors have had it progressively that negotiations

for/

- 3 -

for the renewal of the Convention are about to be continued, that a ground of understanding has been reached and that a new agreement is about to be signed in Lisbon,- or London, but up to the present there is very little prospect of an actual accomplishment along this line. It is felt generally that the Union of South Africa will not be anxious to enter into any agreement whereby a rather full control of the port of Lourenço Marques is not obtained.

5. Durban and Lourenço Marques: As the leading ports of Natal and Mozambique respectively, they have long been rivals for the supremacy in the trade of the South African hinterland, comprising the Transvaal, Northern and Southern Rhodesia, Nyasaland, and to a great extent, the Belgian Congo. Lourenço Marques is geographically closer to this territory than is any part in the Union of South Africa itself, and as this hinterland is largely under the control of Great Britain, the control of Lourenço Marques would be a very valuable asset in the future development of all of South Africa (including the above-mentioned hinterland).

Johannesburg is in the center of the district (Witwatersrand) which has always been the dominant factor in South African economies, and is the natural depot for the assemblage of all kinds of commodities originating in the territory to the north. The port which serves as its gateway will eventually be the premier port of South Africa. Lourenço Marques is only about 60 miles from the Transvaal border (Komati Poort), and is by the

present/

- 4 -

present railway system more than 100 miles closer to Johannesburg than is Durban. (See enclosed railway map of the territory under discussion). If the line from Breyton were completed to join the Mozambique spur reaching to the Swaziland border at Goba (which, it is understood, was the engagement of the Union of South Africa), the distance would be lessened still another 70 miles. But this is not sought by the Union Government. The completion of this line is most likely to be postponed indefinitely with the result that much of the commerce which should naturally (economically) flow through Lourenço Marques, will be continued to be diverted to Durban.

6. The Railways: The Transvaal is connected with Rhodesia and the north by rail via Mafeking. By the construction of 150 miles of track between Messina on the northern border of the Transvaal and West Nicholson in Southern Rhodesia, the distance from the hinterland to Johannesburg would be shortened considerably. But this same line would bring Lourenço Marques within immediate touch of Rhodesia and the Congo - more than 1500 miles closer than the same country would be to Cape Town and nearly 400 miles closer than to Durban. Hence it is quite obvious that Lourenço Marques, within the Union, or with such facilities as the Convention granted it, would soon be the leading port of all of Southern Africa. But out of the Union, the short

line/

- 5 -

line from Messina to West Nicholson will also be postponed as there is no desire to augment the commercial advantages of the Portuguese harbor.

7. With a view to creating facilities for Durban in case Lourenço Marques should never be in the Union, there is now under construction the Zululand Railway Extension which will reach practically to the Transvaal border on the south. It would not be a vast undertaking to extend this line to join the lines already serving the Transvaal at Komati Poort (Barberton or elsewhere), and thereby give it relatively easy access to the hinterland. With preferential railway tariffs such as exist at present, Durban would continue to attract the trade which ordinarily would go to Lourenço Marques. As an example of what preferential rates can do: At present the vessels carrying South African fruit to England call only at Cape Town, and fruit is shipped from the Transvaal to Cape Town (1000 miles) more cheaply than it could be shipped 150 miles to the Portuguese port. At the former port, so state shippers, fruit is received sometimes in excess of what can be handled with the result that there is a large loss annually to fruit growers. With refrigerating ships calling at Lourenço Marques and Durban, it is believed that a portion of the loss, at least, would be obviated.

8. Coal: The Transvaal now produces nearly 20% more coal than Natal and in spite of the much longer

haul/

- 6 -

haul from the Transvaal to Durban, it is offered to the bunkering trade at practically the same price. This again is due to the system of railway rates. If the Transvaal coal were sold in its logical market - Lourenço Marques - and the question of rivalry between two Governments did not enter into the matter, coal could be sold profitably at both places 25% cheaper than it now is. Coal that sells for 5 and 7 shillings respectively per ton at the pit's mouth in the Transvaal and in Natal, brings, in Lourenço Marques and Durban from 30 to 35 shillings per ton. A fair share of this 400% to 500% gain goes to the railways. Generous rebates, (7s 9d per ton of 2000 pounds), are offered on coal for export and for bunkers on vessels carrying 5000 tons, or 3/4 cargo, of export coal, at both ports.

9. Durban's Advantages: The management of the port is reported to be better and more expeditious than at Lourenço Marques. The electrification of the Natal Main Line, now under process, will mean a more rapid handling of coal and maize, as well as the products of the Transvaal and the hinterland. Durban has a weekly fast mail service - The Union Castle Steamship Company - to and from England. Ocean freight rates from the United States and Europe are about 60% a ton less to Durban than to Lourenço Marques. (This, of course, under the ordinary trend of economic forces, would be equalized by the greater inland freight, due to the longer haul from Durban, which would

naturally/

- 7 -

naturally follow if no preference were granted). With the extension of railways, Durban would serve the Orange Free State, the southern Transvaal and the northern portions of the Cape Province as well as the hinterland to the north. It seems unquestionable however, that if Lourenço Marques were a political portion of the territory of which it is an economic unit, it would be to the Union's advantage to develop that port which, with its natural economic advantages, would lend itself so readily to expansion. Of course, with the coal, cotton, wool, wattle and general industrial activity of Natal, there would always be room for both ports. In calling attention to the preponderant advantages of Lourenço Marques, it is with the development of the vast hinterland in view. Artificial manipulation of natural forces is possible for a time; ultimately it must be abandoned.

Harry M. Lakin
Harry M. Lakin.
American Consul.

Sources of Information:

1. The Mozambique Convention.
2. Portuguese East Africa Year Book, 1924.
3. Local Press.
4. Interviews with Officials and business men.
5. Personal Observation.

NOTE:

Consul C.M.P. Cross of Lourenço Marques made certain suggestions which are incorporated in this report. He concurs in principle, with the conclusions reached.

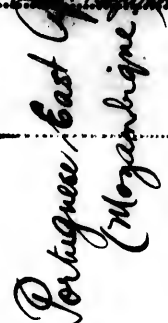
(In quintuplicate to the Department.
Copies to Consulate General at Cape Town, and to the Consul at Lourenço Marques.)

Enclosure *oh* Railway map (Rough).

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of Harry N. Lake American Consul at

subject Salal of the Maritime Convention



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In quintuplicate.

DEPT. OF STATE POLITICAL

JUL 27 1925

No. 240.

Division of
AMERICAN CONSULATE.

Lourenço Marques, Portuguese East Africa,

June 9, 1925.

SUBJECT: Renewed Efforts for Convention
with the Union of South Africa.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that the local Govern-
ment is continuing its efforts to secure a definite
convention with the Union of South Africa.

Recent conversations with the Chief de Gabinete
and with the Agent of the Union of South Africa, indi-
cate that the local government has approached the
government of the Union of South Africa, with a view
to taking definite steps to put the relations between
the two countries on a more definite basis than exists
at present.

Vague and indefinite announcements in the Press
have appeared to the effect that preliminary negotia-
tions are in progress. It appears that these prelimi-
nary negotiations have reached no further than a state-
ment from the Government of the Union of South Africa
that it will not be in a position to discuss matters
with regard to a convention until the close of the
Parliamentary session which is expected to occur some-
time in July, 1925.

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JUL 28 1925

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The local government has in reply suggested the advisability of designating by each government two or three individuals familiar with the situation to discuss informally the possibilities of the proposed convention. This suggestion has not yet been acted upon by the government of the Union of South Africa, and the impression was given that it is not by any means certain that it will be adopted.

DURBAN OPPOSITION.

In this case the situation will probably be left in more or less the existing outlook, in as much as any concession to the Portuguese Government in the way of a guarantee of railway traffic or rate adjustment to remove the existing discrimination against the port of Lourenço Marques, will be fought bitterly by all the Durban interests, and any customs convention provided for the exchange of products of the two countries will encounter similar difficulties.

There is no disposition on the part of the Portuguese to concede anything in the way of the control of the port. On the contrary there is an increasing amount of complaints on the part of the Portuguese that the amount of traffic left it by the existing rates is not sufficient to justify even the expenditure which they have made already on the port, and unless something more is received they will be obliged to curtail the service which is being extended. These contentions have, of course, been hinted at rather than stated plainly, but there is apparently a disposition on the part of the Portuguese government to seek a definite decision on the matter, and failing the securing of satisfactory terms to adopt a policy based very exclusively on

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development of the internal prospects of the colony rather than relying as exclusively as heretofore on the receipts directly derived from the Transvaal mines and the transit trade. There is undoubtedly a certain amount of false front being presented and an instance of this appears to be the negotiations in progress with the Lisbon government for the sending of the local natives to Macau plantations or São Tomé instead of to the Transvaal mines. The Chefe do Gabinete admitted that it was very unlikely that the natives would be sent to São Tomé, but it is being implied in various quarters that such a procedure may result if satisfactory terms and a definite convention are not secured.

The impression gathered from both the Chefe de Gabinete and the Agent of the Union of South Africa, is that there is small likelihood of a definite arrangement being reached which will alter materially the existing status, and there seems to be little disposition on the part of the Government of the Union of South Africa to expedite matters.

EXISTING STATUS OF LABOR QUESTION.

In the meantime the recruiting of labor for the Johannesburg mines continues on a restricted basis of approximately 2,500 per month. As conditions are at present in Johannesburg the mines would like a larger supply but the Portuguese authorities by insisting on the pass requirements and keeping their clerical staff on the the present basis are preventing any material increase in the numbers available.

TRANSIT TRADE.

There have been no notable developments in the transit

-trade-

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trade situation, although rumors are current that the extension of the Zululand railway is intended ultimately to pass through Swaziland on the other side of the Portuguese frontier to connect at Komatiepoort with the Messina West Nicholson section, the construction of which cannot be much longer delayed. In this way it is said that the plan is to divert in so far as possible the resulting traffic from Lourenço Marques to Durban.

INTERNAL SITUATION

The internal situation of the Province shows few signs of improvement. A financial statement has been issued by the Government, but it has been so complicated by the fact that the Government is seeking to put all its expenditure on the Escudo basis instead of as formerly partly on the Portuguese pound and partly on the escudo; that it is difficult to discover whether the financial situation of the government has improved or not. But it does not, however, appear that as far as the Government is concerned the situation is becoming worse.

BANCO NACIONAL ULTRAMARINO.

The Banco Nacional Ultramarino continues to be the great stumbling block to any material improvement in the currency situation and the financial situation of the Government. Its strong political connections in Lisbon have prevented the drastic action on the part of the Government which the local situation appears to require. The higher Portuguese officials are fully aware of the seriousness of the dominance of this bank over the life of the community, and the ruthlessness in which it is exploiting its conditions, but they appear to be powerless to act without great caution and deliberateness.

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EFFECT OF RETURN TO GOLD IN THE UNION OF SOUTH AFRICA.

Much speculation is current as to the effect of the return of the Union of South Africa to the gold standard. Unlike the British paper currency the British gold pound is still legal tender in this province. The export of gold, however, is still prohibited. Considerable quantities of gold pounds are already coming down from Johannesburg mines in the possession of natives, and in as much as these coins are legal the abuses which have existed in connection with the changing of the money of the natives will probably disappear. It is by no means unlikely also that the position of the paper notes of the Banco Nacional Ultramarino will be seriously jeopardised by the influx of gold coins which, because of the export prohibition are already quoted lower than for British paper. The notes of the Banco Nacional Ultramarino have depreciated within the last two months by 25% and are now quoted at approximately 45% below gold or British paper.

NEGOTIATIONS WITH MR. MENKINS.

The efforts of Mr. Menkins the Canadian contractor, to interest American capital in undertaking development work in Portuguese East Africa is continuing but apparently without success. The local authorities are not convinced that Mr. Menkins is entirely suitable to represent them, and have so far refused to give him any authority although they express themselves as being disposed to give him all the information he may desire, and to consider carefully any proposition he may be forwarding provided he can show that he has sufficient financial backing to carry him through. The idea of raising the loan in England appears to be abandoned for the time being in view of the disastrous results of the Australian and New Zealand attempts to float loans in London. They have not yet,

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however, come to the point of sending an authorized representative to the United States although this is seemingly attracting consideration, and it is entirely possible that within the course of a few months it may be definitely taken up.

GENERAL RESULTS OF ADMINISTRATION

So far the administration of Commander Victor Hugo de Azevedo Coutinho, the High Commissioner, has not been particularly successful. He has failed to solve the currency situation or even to check the continuous depreciation of the money of the colony. The only definite action which he has as yet taken has been to increase the salaries of the Government employees to offset the depreciation of the currency, and the resulting increase in the cost of living. But viewed as a whole, the community does not regard his administration as being in any way a success, and there has been no decrease in the coolness displayed by the community toward him upon his arrival.

I have the honor to be, Sir,

Your obedient servant,

Cecil M. P. Cross
Cecil M. P. Cross,

American Consul.

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Office of Economic Adviser
DEC 11 1925
DEPARTMENT OF STATE

FILE

Marques, Portuguese
Memo in A-C/C
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WASHINGTON.

* For your confidential information

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MAR 31 1926

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African natives in the Union of South Africa.

It is reported in Lourenço Marques that the date for
resumption of negotiations in Pretoria is November 17th.

I have the honor to be, Sir,

Your obedient servant,


W. H. Gourley,
American Consul.

In Quintuplicate.

Enclosure:

Portuguese Proposals
at Convention Conference in
Lourenço Marques. (In quintuplicate.)

Copies to American Minister
and American Consul General in Lisbon.

File No. 710.

~~CONFIDENTIAL~~

PORTUGUESE PROPOSALS AT SECRET CONVENTION CONFERENCE
AT LOURENCO MARQUES ON OCTOBER 15 AND 16.

COMMERCIAL INTERCOURSE AND CUSTOMS.

ARTICLE 1.

The products of the soil or of the industry of the Province of Mozambique, nominal list of which will be agreed upon, shall not be liable to the payment of any importation duties in the territories of the Union of South Africa and likewise (vice versa) the products of the soil or of the industry of the Union of South Africa, nominal list of which will be agreed upon, shall not be liable to any payment of any importation duties in the territories of the Province of Mozambique.

(a) The products of the industry of the Province of Mozambique and the products of the industry of the Union of South Africa that this article refers to, shall only enter either country free of duty when its matter of principal raw material, in quantity, shall be of products of the soil of the two countries concerned.

Article 2.

Subject to the provisions of the preceding article, the products of the soil of the industry of the Province of Mozambique referred to in Article 1, shall be liable only when imported in the Union of South Africa, to the lowest taxes, municipal or others, that are imposed in the Union on any similar products, whether produced in the Union or not; and likewise (vice versa) the products of the soil or of the industry of the Union of South Africa referred to in Article 1, shall be
liable

-2-

liable only when imported in the Province of Mozambique, to the lowest taxes, municipal or otherwise, that are imposed in the said Province on any similar products, whether produced in the Province or not.

Article 3.

The products of the soil or of the industry of the Province of Mozambique, of any kind and the products of the soil or of the industry of the Union of South Africa, also of any kind, shall not be liable to the payment of any transit exportation, or re-exportation duties in the territories of the Province of Mozambique or of the Union of South Africa, being subjected only to port dues and taxes prescribed in Article 4.

Article 4.

Merchandise of any origin or nationality imported through Lourenço Marques and bound for the Union of South Africa, shall be entirely exempt from any transit duties, excepting port dues and taxes, commercial contribution and stamp dues that at present are charged on the said merchandise.

Article 5.

Merchandise of any origin or nationality coming by rail from the Union of South Africa in order to leave through the Port of Lourenço Marques, shall be exempt from any transit and re-exportation duties, being subjected to the taxes prescribed in the previous Article.

Article 6.

The Government of the Union of South Africa shall allow the entry into their territories on the conditions, prescribed in Article 1, of canned and preserved goods, cork and wines

originated

-3-

originated from Portugal.

Article 7.

Goods ex bond and ex open stocks within the Lourenço Marques Customs House or Lourenço Marques district shall be admitted into the Union of South Africa upon payment of the duties in force in the Union of South Africa at the time of entry thereto, such duties being estimated on the value of the goods in the country of their origin in cases where these goods are subject to the ad valorem duties.

(a) For the purpose of this article, it is necessary that importers, on arrival of the goods at Lourenço Marques, pay or guarantee to the respective Customs the duties due to the Union of South Africa. Importers will be required to produce, whenever necessary, sufficient proof to satisfy the customs of the Union of South Africa as to the value of the goods, and to furnish any other information which may be required for the protection of the Revenue Department of the Union of South Africa.

(b) When the goods ^{are} to be sent to the Union of South Africa in the terms of this article and the duty has already been paid to use them in Lourenço Marques, the amount so paid shall be refunded by the Portuguese Customs by means of "Título de encontro" (credit note) after verifying that the said goods are the same.

Article 8.

It shall be permitted to despatch overland from bonded warehouses of Lourenço Marques, in transit or re-exportation,
any

-4-

any merchandise deposited thereto, and the said merchandise shall be exempt from any transit or re-exportation duties, and such goods shall be liable only to the taxes prescribed in Article 4.

(a) The provisions of this article shall apply to such merchandise as the Portuguese customs authorities are satisfied has been bona fide ordered for the Union of South Africa.

Article 9.

To the baggage of native laborers returning from the mining and other industries of the Union of South Africa, the following customs provisions shall apply, but the details of the provisions of this article may be revised by mutual agreement, whenever requested by one of the two Governments.

(a) Each native laborer will be permitted by the Portuguese customs (subject to the terms of sub-section b. of this article), to carry with him into the Province, free of duty and other taxes and from formal examination, up to 25 kilograms (equal to 56 lbs., approximately) gross weight of baggage.

(b) The Portuguese customs, however, reserve the right to examine occasionally and from time to time the baggage carried by the said natives, in order to satisfy themselves that no excessive quantities of goods for trading purposes are being imported under cover of the above privilege.

(c) In the event that any native, after examination, is found to carry goods whereon the duty leviable according to the Portuguese tariffs, is more than 4\$50 (about £1) but does not exceed 5\$40 (£1.4.0) there shall be col-

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letted from the native on such goods the difference between 3£37.5 (15/-) and the actual duty leviable.

(d) It shall not be permitted as a rule to any native that this article refers to, to carry in his baggage goods upon which the Portuguese customs duties exceed 5£40 (£1.4.0)

(e) With the exception of what is stipulated in this article, the baggage of the natives who return from the mining and other industries of the Union of South Africa will be subjected to the usual course of proceedings in so far as the Portuguese customs laws are concerned.

(f) In consideration of the above, the Government of the Union of South Africa will pay to the General Customs Department of the Province of Mozambique, the amount of 15/6 (fifteen shillings) in gold per head for each and every native laborer returning from the mining and other industries of the Union of South Africa.

DOCUMENT FILE

NOTE

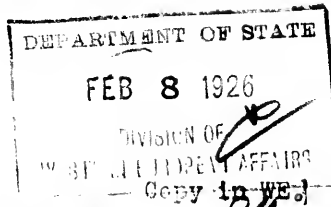
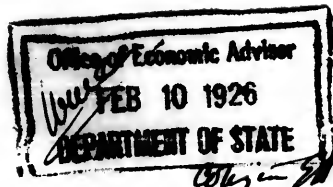
SEE 848a.00/287 FOR 4-
FROM Cape Town (Poole) DATED Dec. 2, 1925
TO NAME 1-1127 GPO

REGARDING: Negotiations for new convention between South Africa
and Mozambique. Reports regarding deferring of -

INDEX BUREAU

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STRICTLY CONFIDENTIAL

AMERICAN FOREIGN SERVICE REPORT.

No. 117.

Date of Preparation: January 19, 1926.

To: Department of State.

Date of Mailing: January 20, 1926.

Office: Consulate General, Lisbon, Portugal.

Reference to Request: VOLUNTARY.

Title: Mozambique-South African Relations.

Source: Personal knowledge and Company Meeting Report.

W. STANLEY HOLLIS
American Consul General.
(Officer preparing Report)

W. STANLEY HOLLIS
American Consul General.
(Principal Officer.)

References to previous reports: Reports from the American Consul at
Lourenço Marques.

Officially the Portuguese declare themselves to be the third
Colonial Power in the world, that is when colonial power is measured
by the area of the colonies. In the case of Portugal this is quite

true,

-2-

true, as, measured by the square mileage of their colonies and dependencies and, in fact, all lands covered by their respective flags, Great Britain comes first, France second, Portugal third, and Holland a close fourth.

In the case of Portugal's colonies, their most important neighbors are the different states over which the British flag flies in South and Central Africa.

The prosperity, and, in a measure, the security of these colonies, is largely influenced by their relations with their neighbors, especially as these neighbors are exceedingly live and progressive states.

The relations between Mozambique and the Transvaal, before the Boer war, were of an exceedingly close and friendly nature, but since then, and especially since the Transvaal became merged into the Union of South Africa, these cordial and friendly relations have been somewhat impaired.

The Consul at Lourenço Marques has been keeping the Department fully posted as to all developments under the subject of the heading of this report, and especially from the political point of view.

Comments, from another point of view, however, may frequently not only ^{not} be ~~be~~ ^{miss}, but may serve to show the general situation ~~as~~ viewed by those industrialists who attend strictly to their own business and ~~do~~ not mix in politics.

One of the most successful industrial companies in South Africa is the Transvaal & Delagoa Bay Investment Company, Limited, of Johannesburg, a concern which is interested principally in coal

mining

-3-

mining and in the development of its landed properties.

At the recently held general meeting of this Company at Johannesburg, the chairman, in the course of his other remarks, had this to say concerning the commercial relations between the Union of South Africa, and the Province of Mozambique:-

"Unfortunately, so far no advance appears to have been made in the pourparlers for a renewal of the Convention between the Union of South Africa and the Portuguese (Mozambique) Governments, and it was announced that the adjourned negotiations to that end would shortly be re-opened. But from an article published in the Johannesburg STAR, of the 30th November, it would appear that the traditional friendly attitude of former years is to be supplanted by an entirely opposite spirit. If it is contemplated to impose an import duty on Mozambique sugar sent into the Union, it would mean that such a necessary article of food is to be artificially raised against all consumers and so add considerably to the cost of living. Doubtless the families of the workers would be the first to complain that they were being penalized for the sake of the Natal sugar producers. I have also no hesitation in saying that the friendly relations in the free interchange of products during many years between the two countries, was of material benefit to the Transvaal, and that a reversal of the policy of mutual goodwill between these neighboring states for the past 40 years and more, may have far-reaching effects and do incalculable injury to the interests of both."

This

-4-

This independent comment, coming as it does from one who does not, either on his own behalf or of the corporation for which he speaks, meddle in the politics of South Africa, shows that the relations between the two states are not, at present, as conducive to commercial harmony and mutual well being as they might be.

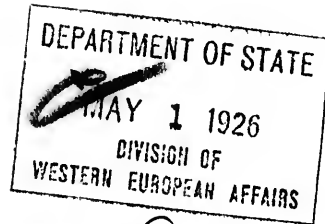
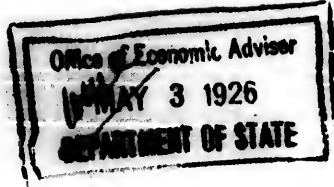
This condition, coupled with the deplorable business conditions prevailing in Mozambique, and which are largely the result of injudicious rules and regulations which fairly throttle all inter-state and foreign trade and commerce, does not lead one to have very optimistic opinions as to the prosperity and welfare of Mozambique, for the immediate future, at any rate.

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MAY 6 - 1926

M. J. D.

MOÇAMBIQUE CONVENTION AND RAILWAY TRAFFIC.

From Consul:

J. P. Moffitt.

Lourenço Marques,
Portuguese East Africa. Date of Preparation: March 31, 1926.
Date of Mailing: March 31, 1926.

Sir William Hoy, General Manager of the Union of South Africa Railways in a letter to the Editor of the Lourenço Marques Guardian, states that the Moçambique Convention, as far as the conveyance of traffic to the Transvaal competitive area is concerned, no longer exists and the publication of the statistics in respect of such traffic is discontinued.

(See)

-2-

(See previous reports and dispatches "Deadlock in
Negotiations for a New Convention" dated April 17, 1925;
"Renewed Efforts for Convention with the Union of South
Africa" dated June 9, 1925, and "Portuguese Proposals
at Convention Conference in Lourenço Marques" dated
October 29, 1925.)

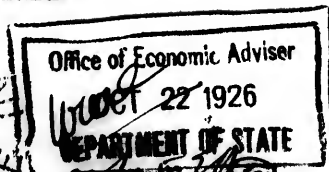
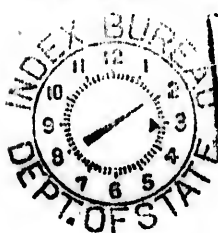
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PROPOSALS OF CHAMBER OF COMMERCE OF LOURENÇO
MARQUES TO CONGRESS OF SOUTH AFRICAN CHAMBERS
OF COMMERCE.

From Consul:

J. P. Moffitt.

Lourenço Marques,
Portuguese East Africa. Date of Preparation: September 16, 1926

Date of Mailing: September, 22, 1926.

The Chamber of Commerce of Lourenço Marques has decided
to submit certain motions to the congress of the South
African Chambers of Commerce to be held in Kimberly.

1) To urge the need of the convention;

2)

OCT 23 1926

748A.539/66
Note 748A.53p

748A.539/70

OCT 29 1926

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2) To urge the fulfilment of the promise made by Lord Milner to connect the Transvaal railway system with the Portuguese system at Goba before any extensions from the south, through Swaziland, are made;

3) To urge Rhodesian railway connection with Messina;

4) To urge the removal of the handicap under which Johannesburg merchants trading in British South Africa, outside the Transvaal, from their stocks at Lourenço Marques, are required to pay duty on their selling price instead of f.o.b. price at the port of shipment;

5) To urge telephone connection between the Union and Lourenço Marques (the only link missing is between Komatipoort and Mossano Garcia);

6) To point out the hardship on fruit-growers in the Eastern and Northern Transvaal by being prevented from exporting through their natural port of Lourenço Marques;

7) To urge excursion facilities from the coast inland during the summer months on the same lines as the winter excursions from inland centres to the coast.

DOCUMENT FILE

NOTE

SEE 033.48a53/- FOR Despatch #1894

FROM Portugal (Dearing) DATED Nov. 30, 1926.
TO NAME 1-1127 GPO

REGARDING: conference between Prime Minister Hertzog of
Union of South Africa and Portuguese authorities
for discussion of relations between Mozambique
and South Africa.

FU

INDEX BUREAU

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In quintuplicate.

NO. 140.

AMERICAN CONSULATE,

Lourenço Marques, Portuguese East Africa.

May 25, 1927.

~~CONFIDENTIAL~~

SUBJECT: Convention Indefinitely Postponed.

1-1005

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that I have learned from authoritative sources that the negotiations for a convention between the Union of South Africa and the Province of Moçambique have been indefinitely postponed on account of the demands of the present Prime Minister, which are said to be more rigid even than those of the former Prime Minister, General Smuts; it will be remembered that such demands led to the breaking off of negotiations for the renewal of the convention.

It is said that the text of the present Government's demand contains suggestions that South African railway rates for coal between the coal mines and Durban, will be made the same as the existing rates between the mines and Lourenço Marques, which is much closer and lacking in steep gradients, if the Union's terms are not accepted. The loss of the coal trade to Lourenço Marques would seriously affect the prosperity of the port.

I have the honor to be, Sir,

Your obedient servant,

J. P. Moffitt,
American Consul.

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7482.538/72

JUL 6 1927

In quintuplicate.

NO. 147.

AMERICAN CONSULATE,

Lourenço Marques, Portuguese East Africa.

June 8, 1927.

~~CONFIDENTIAL~~

SUBJECT: Present State of Feeling in Lourenço Marques
Concerning the Renewal of the Moçambique Convention.

1-1088

THE HONORABLE

THE SECRETARY OF STATE

SIR:

I have the honor to refer to despatch No. 140, dated May 25, 1927, and entitled: "Convention indefinitely postponed", to the effect that the prospect for the renewal of the Moçambique Convention appeared to be poor at that time. This was predicated more or less on the story that is commonly heard in Lourenço Marques, that the Prime Minister of the Union of South Africa, although supposedly in substantial accord with the Portuguese Colonial Minister and other Portuguese officials with whom he discussed the subject of the renewal of the Convention after his return from the Imperial Conference, had intimated in a personal letter to the Colonial Minister at Lisbon that the growing export trade of the Union made it necessary for him to ask for a much greater share of the control of the Port of Lourenço Marques for the Union of South Africa than was had under the former Convention.

This is, of course, tantamount to the demand of General Smuts, the former Prime Minister whose negotiations for a renewal of the Convention failed. It is an old

Office of Economic Adviser
JUL 11 1927
DEPARTMENT OF STATE



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AFRICAN AFFAIRS

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issue and the feeling in regard to it is very strong.

Even if the renewal of the Convention were to save Moçambique from ruin, and indeed the failure of the negotiations do not spell ruin to anyone in Portuguese East Africa, any attempt at an exercise of control over the Port of Lourenço Marques would be generally resisted. An exception to this statement is probably found in the case of the civil servants who represent a comparatively large class. The abrogation of the contract with the Chamber of Mines by which the natives are recruited here, would reduce their number and salaries. In this connection it must be said that the present Governor is an able administrator, a former business man and a close student of conditions; he does not share the general feeling attributed to the majority of the members of the civil service.

The reported reply of the Colonial Minister was to the effect that unless the Prime Minister conceded the absolute control of the Port, it was useless to have the delegates of both countries meet in formal discussion over the terms of the Convention. The Portuguese Consul General at Johannesburg went to Cape Town, ordered thereto according to report by the Portuguese Foreign Office, where he is having informal discussions with the Prime Minister. He has been ordered by the Portuguese Government to reduce these discussions to writing, and to preserve copies. The reasons for this are very obvious when one realizes the misconceptions that have arisen out of previous informal discussions. According to report, the Prime Minister has made the suggestion, doubtlessly sponsored by Sir William Hoy, the South African General Manager and

- Director -

- 3 -

Director of the Government owned South African railways, and the bête noire of the Portuguese officials, that the control of the Port of Lourenço Marques be given over to an international board consisting of Portuguese and Union members, on which board the Portuguese would have a majority. This would not be popular with the Portuguese people. In fact, such an arrangement would lead to public demonstrations.

Attitude of the People about the Renewal of the Convention.

Apart from the forwarding agents and other firms, the capital of which is supplied from Johannesburg, the attitude of the vast majority of the Portuguese people is that of indifference as to whether the Convention be renewed or not. If it can be renewed according to the terms agreeable to the Portuguese, well and good, and if not, let it lapse, is the attitude of the people here. A great deal of sympathy is felt for this attitude by many individual Britishers. This sentiment is shared by not only the common people, but even the well to do individuals and firms, who would be willing to sacrifice a great deal all rather than allow the Union to have any power whatsoever over the Port. I had an exemple of this brought to my attention only the other day when I had a conversation with the head of the largest and most important Portuguese firm, whose biggest connections are with the gold and coal mines in the Union. He said that although he and his firm would gain a great deal by the renewal of the Convention, he would not consent to permitting the Union Government to have the slightest authority in the administration of the Port, even were it to ruin his business. His attitude is typical of

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the majority of Portuguese business men.

Although the attitude of the majority of the people can be described as indifferent, there is a small but growing group, who do not want the Convention renewed under any condition and would gladly, as they express it, "blow up the bridge over the Incomati River", that is the bridge leading to the Transvaal. One of the leaders of this group is Doctor Edouardo Soldanha, who is at present in Lisbon and is said to be one of the very closest of the Colonial Minister's friends.

Reasons for the Attitude of Indifference toward the Convention.

In 1919, when the attitude of General Smuts, then the Prime Minister, made the renewal of the Convention impossible, it was believed that the Province would be ruined. The feeling now is that after eight years of studied opposition and economic squeeze the Province is not ruined; during that time railway rates have been juggled to prevent Lourenço Marques from having its fair share of the traffic and in fact, of driving it away to ports such as Durban; dumping duty has been placed on Mozambique sugar entering the Union of South Africa to protect a comparatively small industry in Natal; freight rates on mealies during the years of the large crops in the Union, when the export thereof was heavy, were made identical with those of Cape Town.

The sentiment now is that the people have seen the worst that can be done against them by the Union in opposition to the Port of Lourenço Marques, and that the Port is still in existence.

Another most important factor in solidifying the opposition to the Union is the strong national feeling that

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there is in Lisbon today a stable and independent Government, and that there is no reason why the Government there should pander to any political party, or any external diplomatic or economic influence.

The building of a port at Kosi Bay, in Union territory, with the avowed purpose of destroying Lourenço Marques as a port, has been threatened without visible result except to arouse more hate to everything British.

Recruitment of Labor for the Mines.

Although the Convention was denounced in 1919, the Province of Moçambique and the Chamber of Mines made a satisfactory agreement by which boys could be recruited in this Province south of latitude 22°. The recruitment of "boys" was allowed according to the terms of the original convention, and although that arrangement still continues, it is by virtue of the agreement mentioned above.

It has always been felt that the power and influence of this opulent and influential body would be used in favor of a renewal of the Convention inasmuch as it has been asserted that the mines could not be run up to full capacity without the East Coast Boys. It is reported in a recent issue of the JOHANNESBURG STAR that the Government at Lisbon has been approached by an emissary of the Chamber of Mines. This emissary is said to be Mr. Gamel, the labor expert of the Chamber of Mines. According to the report, the Government refused to discuss the new labor law or the possibility of the renewal of the Convention with him.

New Native Labor Law.

Telegraphic reports have been received at the end of last month that a new labor law had been decreed in Lisbon.

- 6 -

The exact terms of this law are still unknown except that it provides that recruited "boys" must be returned at the end of one year's contract, and that the contract may not be renewed as it is today in the majority of cases. The recruitment of boys for such a short time will add considerably to the expense of running the mines. Furthermore the law provides that the boys may not be reengaged until they have spent a year in the Province after the expiry of their contracts. But the provision of the law which is tantamount to a renunciation of the agreement with the Chamber of Mines is to the effect that two years after the law comes into effect, boys may not be reengaged for more than six months.

Probable Origin of New Labor Law.

It is generally believed that the decree above referred to was made at the instance of Doctor E. Saldanha, and probably even written by him. He is at present in Lisbon, and it is understood that the present Minister of the Colonies has great faith in him and his economic theories. One of such theories is the development of the Umbeluzzi and later that of the Limpopo. To do this, the great annual economic waste that sends thousands of the best of the country's manhood to do underground work in the mines of the Transvaal, whence they return diseased in mind and body, must be stopped and the natives used for the development of the Province. What lends color to the story of Doctor Saldhana being the source of the law referred to, is that almost coincidentally with the announcement of the law came also an announcement from Lisbon that the Colonial Secretary had drafted a decree authorizing the manufacture of pure and commercial alcohol

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in the valley of the Umbeluzzi; also a report that the cultivation of sugar in the Umbeluzzi is to be made a national industry. Parenthetically it may be added that Doctor Saldahna is a large land owner in the valley of the Umbeluzzi.

Anti-British Feeling Increasing.

No longer are references to the Portuguese as "our most ancient allies" ^{by} British statesmen heard with any enthusiasm. The unfriendly feeling against the British is expressing itself in little petty hampering regulations. For example, British firms must now print their public signs in Portuguese, although for years they have been in English; local forwarding agents (almost entirely British) must now according to a recent regulation of the Director of Railways, increase according to a certain scale the number of their Portuguese employees; the Port and Railway Council are contemplating refusing the renewal of licenses of local firms, mostly British, in the business of loading and landing.

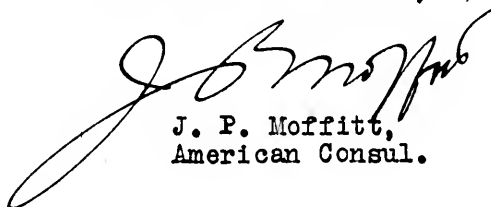
The local British community complains that not sufficient attention has been paid to consular representation in Lourenço Marques by the Foreign Office. There have been long intervals between incumbents and, it is said that none of them have attempted to smooth the feeling between the two countries. The complaint is also made that the Government of the Union of South Africa has been likewise indifferent, keeping for years here, as Union Agent, a former customs employee, who neither spoke the Portuguese language or had any sympathy with the Portuguese people, and with little or no equipment for the important work of maintaining friendly feelings between the Union and the Portuguese.

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The purpose of this despatch is to give a pen picture of the present feeling in Lourenço Marques toward things in general as they affect the probability of a renewal of the Convention. It is not intended to report authoratively on happenings or events in the Union or in Portugal, but only to explain the reverberations thereof in Lourenço Marques.

I have the honor to be, Sir,

Your obedient servant,


J. P. Moffitt,
American Consul.

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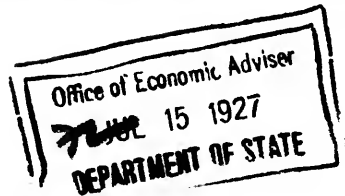
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NO. 1688.



AMERICAN CONSULATE GENERAL,
LISBON, PORTUGAL. June 23, 1927.

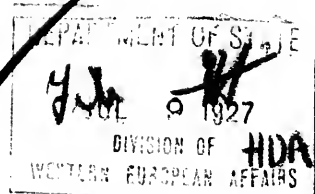
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SUBJECT: Portuguese finances and South African Politics.

Assistant Secretary
of State
JUL 18 1927

MR. CASTLE
THE HONORABLE

THE SECRETARY OF STATE,
WASHINGTON.



SIR: -

8539/51/21 748 a. 539/74
I have the honor to refer to Consul Moffitt's Confidential despatches
Nos. 159 and 140, of May 25, 1927, entitled, respectively, "Progress of the
Negotiations for an American Loan to this Province", and "Convention
Indefinitely Postponed", as well as to the enclosed translation of an
article which has appeared in this morning's edition of the "Diario de
Noticias", and to report that these two subjects, although treated separate-
ly and under different file numbers by Consul Moffitt, are inseparable.

For many decades in the past, Great Britain's has been the hidden hand
controlling all of Portugal's foreign financial policy. During the late
War, General Smuts grasped the possibilities of this control when exercised
for the benefit of South Africa. The first evidence of his efficient use
of it, which was achieved by good team work between him, the British Govern-
ment and the leading London bankers, was when he for several years, in an
endeavor to curry political favor in Rhodesia, successfully prevented the
corporation controlling the Benguela Railway from obtaining any funds for
the further extension of its line to the Belgian Congo. His argument then
was that if the Benguela Railway was extended to its ultimate projected

destination

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JUL 18 1927
748 a. 539/74

Confidential File

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destination it would take a great deal of profitable traffic from the Rhodesian Railways. As Rhodesia's good friend he was going to prevent the consumation of such a scheme. But when Rhodesia voted NOT to join the Union of South Africa, which General Smuts had been urging it to do, his interest in Rhodesia's welfare suddenly cooled; his opposition to the extension of the Benguela Railway suddenly ceased, and the Anglo-Belgian corporation now controlling that line suddenly found itself able to raise all the money it wanted in London.

Now General Smuts is out of office; but his successor, General Hertzog, has evidently taken a leaf out of his own book, and has improved upon it, and is by agreement with interested statesmen and capitalists in London, pursuing a policy by which Portugal is to be financially starved until it agrees to come to terms with the Union of South Africa; and the longer this coming to terms is delayed, the more insistent will South Africa become and the more heavy will be its demands.

And it is not at all unlikely that, unless Portugal voluntarily agrees to all of the demands put forward by the Union of South Africa, a strong and vigorous propaganda, under the aegis of the League of Nations will be worked up with the aim of, by hook or by crook, detaching Southern Mozambique from Portuguese rule.

How this may be done by the League of Nations is set forth by the "African World" in its review (page 336 - June 18, 1927) of a book just written by an English Statesman, Lord Olivier, and entitled "The Anatomy of Africa's Misery". A copy of this article is annexed to this despatch.

In the working up of this propaganda, the Americans, Buell and Ross, mentioned by Consul Moffitt in his despatch No. 139, have certainly played

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played into General Hertzog's hands. I wonder if it is by accident or by design that these two Americans have so acted. Had they been Englishmen the Portuguese odium towards ^{England} would have been very great indeed. As they are Americans, England escapes this odium, but America, on the other hand, is not gaining anything in popularity amongst the Portuguese. It took all of my personal influence in certain newspaper circles here to prevent some very bitter articles about the reports of Messrs. Ross and Buell and others of that ilk, and more particularly one Rev. Bunker, from appearing in the newspapers here some two years, or less, ago.

A little over thirty eight years ago I passed through Lisbon on my way to South Africa. During the years which have rolled by since then I have been a close student of both Portuguese Colonial and South African affairs, and have kept in touch with them, even when stationed at far distant posts. My idea is that, for the present, at any rate, the United States should be content with the role of spectator, and that American financiers, if they don't want to get their fingers burned, had better consult freely with Anglo-African bankers before they advance any money to the countries mentioned in this despatch.

I am firmly convinced that the leading South African statesmen have certain schemes and policies, as grand and as ambitious as were those conceived by Thomas Jefferson and other winners of the West, in America, over a hundred years ago, and that they hope that their friends will keep out of the ring and let them work out their own destiny without any interference of any nature whatsoever.

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I have the honor to be, Sir,

Your obedient servant,

W. Stanley Hollis
W. STANLEY HOLLIS
Consul General.

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for PM

TRANSLATION FROM "DIARIO DE NOTICIAS"
OF JUNE 23, 1927.

THE SESSION FOR THE CONVENTION BETWEEN MOZAMBIQUE
AND THE UNION OF SOUTH AFRICA HAS BEEN SUSPENDED, DUE TO THE
FACT THAT SOME OF THE PROPOSALS PRESENTED BY THE
UNION WERE NOT CONSIDERED ACCEPTABLE.

It is said that the Government of the Union during
the course of the presentation of its demands has propounded
that the Port and Railway of Lourenço Marques be administered
by a board composed of a representative of each Province of the
Union and of a representative of Mozambique.

The Minister of the Colonies considering that these
exigencies, if accepted, would signify a loss of sovereignty
over the said Port and Railway, and consequently over the whole
colony, firmly opposed himself to such an exigency, and the session
was accordingly suspended. He is, however, disposed to accept a
convention which will guarantee in every way the sovereignty of
Portugal over its territories.

It may be added that while the old convention was observed
in every detail by the Portuguese, the Union of South Africa
has disregarded many of its clauses causing, as a result therefrom,
the loss of many thousand pounds by Mozambique.

(From "THE AFRICAN WORLD" June 18, 1927)

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THE AFRICAN NATIVES AND THE

LEAGUE OF NATIONS

PROBLEM THAT NEEDS SYMPATHETIC TREATMENT

(Specially written for the "African World" by Col. SILBURN, C.B.E.,
D.S.O.)

The title of a book lately published, "The Anatomy of Africa's Misery", by Lord Olivier, is so recondite as to lead the uninitiate to accept its contents as a true and authoritative account of the existing conditions under which the natives of British South Africa are governed by the white man. Unfortunately, owing to the high offices under the Crown held by the distinguished author, the half-truths upon which the loose charges against his countrymen are based are liable to be accepted as facts, especially so by the semi-civilised natives just emerging from savagery and already ripe for the teachings of Communism.

The native problem of South Africa is a serious one, and any hindrance to its solution makes it more serious. Therefore, a mischievous book full of destructive criticism based upon erroneous data containing nothing of a constructive or helpful nature by a Privy Councillor and an ex-Secretary of State, with no experience of African affairs, only adds to the difficulties being closely studied by Dominion Ministers and Colonial Administrators. Coming from an ex-Minister of the Crown, the book is of the greatest value to the enemies of the Empire, and must do infinite harm among subject races.

It is only right that every Briton should endeavour to understand this problem, for the natives of our African possessions are all British subjects, are proud of their status as such, and look to the Imperial Government as their guardians.

The problem is far from being difficult of solution if it be

considered

- 2 -

considered sympathetically with the high and vital principle of giving to each race its due respects and special position, and trying by every human means to head off racial degeneration.

It cannot be solved by repressive legislation such as the Native Lands Act or the Colour Bar Act, nor can it be solved by giving the native equal political rights, for that means absolute government of the whites by the blacks. There is only one solution, and that is territorial segregation, for by that alone can the racial degeneration of both races be avoided and a safe measure of self-government be granted to the natives.

Had the League of Nations functioned as was promised by its sponsors, it might have devoted some attention to the native problem of Africa. As an international parliament, it might have drafted an African native policy acceptable to those European nations interested in Africa—a policy which which would have embraced territorial segregation allowing for degrees of self-government according to the stage of civilisation. Such a policy, common to all the nations concerned, could alone be announced by the League of Nations without offending the susceptibilities of the Powers concerned.

An African native policy, to be truly efficient, with the eliminations of causes for future wars in Africa as one of the principal objects, calls for the redelimitation of the present European possessions of the sub-continent south of latitude six. Such repartition can only be in the very best interests of those concerned, viz., Great Britain, Portugal, Belgium, and Union of South Africa, Rhodesia, and the Native (Bantu) population, estimated at forty-five millions. The beneficial results of administrative changes such a readjustment must have upon the natives would extend beyond the territorial demarcative lines.

Such a readjustment, by exchange and compensation, can only be negotiated,

- 3 -

negotiated, without friction, through the medium of the League. Certain exchanges of possessions would remove obstacles now in the path of progress and development; the removal of these obstacles is a guarantee for the immediate advancement of that part of Africa south of latitude six. The readjustment calls for no sacrifice or loss of prestige on the part of any European power, but on the contrary, for without losing an acre of the area of their African possessions, those barriers, now holding back development, would be removed and the national prestige and prosperity would increase accordingly.

Portugal's possessions in Africa are separated by two thousand five hundred miles of ocean travel. If these possessions were considerably increased and consolidated in West Africa, Portugal would benefit by having rapid, easy, and economic access to her considerably increased and enhanced African Empire, which to-day, owing to its scattered form and wide separation, necessitates, expensive administration, long lines of ocean communication, loss of efficiency and revenue. The consolidation of the Portuguese African Colonies would call for an exchange of British and (or) Mandated Territory, the cancellation of outstanding debt, some of which date back to the Peninsular War, adequate compensation to all nationals concerned and the purchase of vested interests in exchange for the Portuguese possessions of East Africa. Such readjustment allows for immediate railway and harbour development, together with industrial and agricultural expansions of the enlarged Portuguese possessions with foreign capital attracted by the proximity of this valuable territory to Europe.

It means the opening of safe harbours on the West and East coasts, and the linking of both coasts by rail, giving Rhodesia the advantage of two sea-ports, one on the Atlantic, and the other on the Indian Ocean, bringing that colony within fourteen days' journey of

London.

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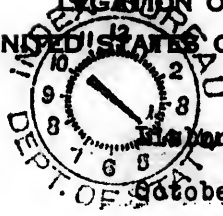
London. The peaceful settlement, development and progress of South Central Africa, and therefore the solution of the native problem depends more upon communications between East and West than North and South.

the opening-up of the dark places of Africa that will have such an important bearing upon the solution of the colour problem, and for that reason the League of Nations should devote some attention to Africa with its teeming millions of homogeneous people in varying stages of savagery and civilisation. The progress or retrogression of Africa south of latitude six hinges upon the repartitioning of the present possessions within that sub-continent.

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RECD
LEGATION OF THE
UNITED STATES OF AMERICA



Lisbon, Portugal.

October 8, 1927.

No. 2097.

OCT 22 27

Assistant Secretary
of State
OCT 25 1927
MR. CASTLE

DEPARTMENT OF STATE
OCT 24 1927
DIVISION OF
WESTERN EUROPEAN AFFAIRS

For Distribution

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The Honorable
The Secretary of State,
Washington, D. C.

Sir:

I have the honor to say to the Department that I have just been informed that a situation of some delicacy appears to have developed between Portuguese East Africa and the Union of South Africa.

So nearly as I can judge from the somewhat sketchy report of the matter that has been given to me, General Hertzog recently has attempted to obtain larger privileges at Lourenco Marques, which the Portuguese authorities were unwilling to grant insisting as always that

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to do so would impair Portuguese Sovereignty. In retaliation, Hertzog is said to have taken several measures (the exact nature of which I do not know) to which the Portuguese responded by refusing to permit native laborers to go to the South African mines. This action provoked a letter of remonstrance in which Hertzog is understood to have employed such menacing language that the Portuguese Central Government has ordered two warships to immediate service at Lourenço Marques.

The entire incident has been enveloped, in Portugal, in the greatest secrecy and the strict censorship has prevented any reference to it in the local press. An intimation of the difficulty was given, however, by the publication of a recent order releasing General Gomes da Costa from his exile in the Azores and the statement (subsequently categorically denied) that he would be sent to Mozambique on a special mission. It has been surmised that by this step the Government would kill two birds with one stone, since it has become suspicious of the General's activities in the Azores, and credits him with the almost preposterous plan of establishing the autonomy of the Islands and desires in Mozambique to make some show of preparation for eventualities.

Consul Doty's report of October 4, of which a

copy

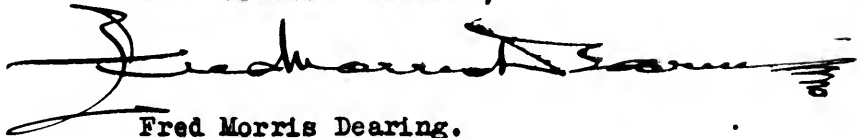
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copy was sent to the Department, announcing the appointment of Colonel Feliciano Antonio Silva Leal as Special Delegate with extraordinary powers in the Azores, would seem to confirm the belief that the Government is uneasy with respect to conditions there, and the newspaper account, published yesterday, of the ceremony attendant upon his appointment refers to the deportation to those islands of political offenders and the consequent necessity of "restraining in the Azores the activities of disturbers of order."

The Legation will endeavor to obtain further information concerning the matter for a later report.

I have the honor to be, Sir,

Your obedient servant,



Fred Morris Dearing.

Copies to: Consul, Lourenço Marques,
Consul General, Cape Town,
Vice Consul, Loanda,
Consul, St. Michael's.
European Information Center.
Consul General, Lisbon.

P.S. In this connection please see
Consul General Hollis' No. 392 of
October 12, 1927.



RECD
LEGATION OF THE
UNITED STATES OF AMERICA
Lisbon, Portugal.
October 14, 1927.

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No. 2103.

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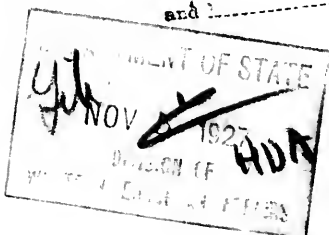
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NOV 3 1927

The Honorable
The Secretary of State,
Washington, D. C.

Sir:

748a. 53g/75

Supplementing my despatch No. 2097, of October 8, 1927, I have the honor to inform the Department that more detailed and reliable information has reached me with respect to the reported tension in the relations between Mozambique and the Union of South Africa.

NOV 15 1927

It is said that the letters from General Hertzog were addressed to the Portuguese Minister of Colonies, Joao Belo, and that they were not of a menacing character. This is borne out somewhat

by

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by statements made by the Minister for Foreign Affairs on the 13th instant, when he informed me that he knew I had received reports about friction with Hertzog, but that there was no tension whatsoever in the situation. He explained the war vessel story by saying that they were stationed at Lourenço Marques simply for the purpose of being ready if developments in China should in any way involve Macao.

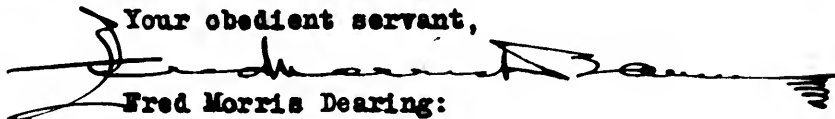
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The matter has at last found its way into the newspapers, as is shown by the appended translation of an item published in "O Seculo" of October 13th.

General Gomes da Costa is expected to arrive at Lisbon in the near future, and any significance that his return may have in connection with the South African affair soon will become apparent. The Minister for Foreign Affairs assured me, while giving no reason for his return, that it had no connection with the African or any other situation. Other informants, however, are inclined to associate the General's release from exile with political and financial matters, as is mentioned in a separate report.

I have the honor to be, Sir,

Your obedient servant,


Fred Morris Dearing:

Enclosure:

- 1/ Translation of newspaper item
from "O Seculo."

Copies to: Consul - Lourenço Marques., Consul General,
Cape Town; Vice Consul, Loanda; Consul, St.
Michael's; Consul General, Lisbon; The
European Information Center, Paris..

PORTUGAL AND SOUTH AFRICA.

Enclosure No. 1 with Despatch No. 2103 of October 14, 1927.

The Governor of Mozambique denies a Telegram
sent to the newspaper "Star."

The Press was furnished yesterday with the following
note from the Cabinet of the Minister of the Colonies:

Yesterday, the 12th, at about 3.00 P.M., a telegram
was received at the Ministry of the Colonies from the Gov-
ernor General of Mozambique, reading as follows:

"In a telegram from Vigo, the correspondent of the
STAR states, according to information received from Lisbon,
that the Portuguese Government rejected the requests and
protests of South Africa, with regard to the restrictions
of emigration to that territory. He states that Portugal
imposed the restriction, as a reprisal, after the failure
of the agreement concerning native labor in South Africa.
He adds that it is said in some circles that this has some-
thing to do with the fact of the cruisers REPUBLIC and
CARVALHO ARAUJO having received instructions to proceed
from China to Lourenço Marques, in view of the situation
created. I at once sent a telegram to the Consul at
Johannsburg, denying the malicious news. The concentration
at Lourenço Marques, of the cruisers is due to the fact
that the CARVALHO ARAUJO is awaiting instruction at this
place whether or not to proceed to the East. With regard
to the REPUBLICA, on her return from Macao to Lisbon, she
touched this port, merely as a port of call. I caused
the

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(Enclosure No. 1)

the publication here of an official statement along these lines."

The Minister of the Colonies replied to this telegram at once as follows:

"It is not necessary to say that the denial made by you is absolutely correct. The restriction of emigration is for the sole purpose of developing the territories to the south of the SAHE.

No one is more desirous than the Portuguese Government, and particularly myself, of continuing the relations of old and traditional friendship with the Government of the South Africa Union, whose progressive development and splendid administration constitute a lesson for everyone.

The cruiser CARVALHO ARAUJO possibly will remain there for the purpose of rectifying the coast, and the cruiser REPUBLIC has Angola for her destination for the same purpose.

The telegraphic news sent to the newspaper THE STAR of Johannesburg is, as very well stated by the Governor of Mozambique, malicious, and as well so foolish that common sense rejects it at once.

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DOCUMENT FILE

NOTE

SEE 848A.00/316 FOR Report #
FROM Cape Town (Cress) DATED Nov. 1, 1927
TO NAME 1-1157 GPO

REGARDING: Failure of negotiations with Portugal for a new
Mozambique treaty and unlikely that it will be resumed
for present.

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Mozambique.

748A-538
In the Governor General's speech a formal announcement was made that the negotiations with Portugal for a new Mozambique treaty had failed, and that it is unlikely that it will be resumed for the present.

Some interest was created by a report from Spain a few days later that owing to difficulties over the native labor situation, two Portuguese cruisers were being sent to Lourenco Marques.

The Portuguese Consul General at Johannesburg at once issued a formal denial, explaining that the cruisers were merely returning from China to Lisbon, and stopping at Lourenco Marques en route for bunkers, etc. This statement has been corroborated privately by the Portuguese Consul General at Cape Town.

The restrictions imposed by the Government of the Union of South Africa on the importation of Portuguese natives for the Johannesburg mines have been a point of difficulty for the past four years. Recently the Portuguese in turn have decided to limit the period of the contracts for their natives to nine months, and forbid their being renewed without the return of the native to his home, instead of allowing it to be done in Johannesburg as has been the practice.

It is possible as alleged that General Hertzog may have sent an ill-phased letter to the Portuguese authorities with regard to the matter, but as far as can be ascertained there has been no notable alteration in the actual situation.

Private

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Private information from a reliable source on the South African side ~~is~~ to the effect that the rumors are due to a reply received from the Portuguese authorities in answer to a communication from General Hertzog stating the general position of the Union of South Africa with regard to the proposed agreement relative to Portuguese East Africa. It is stated that General Hertzog's letter contained nothing dictatorial or particularly new but the Portuguese reply was described as "twenty-six pages of abuse" and for the time being has apparently suspended all negotiations.

DOCUMENT FILE

NOTE

SEE 848A.00 P.R./1 FOR #-
FROM Cape Town (Cross) DATED Jan. 3, 1928
TO NAME 1-1127 GPO

REGARDING: Relations between Transvaal and Mozambique.
Denunciation of the Mozambique Convention continues to
occupy the public mind. Important pronouncement toward
the Convention by General Hertzog speaking at Annual
Engineer's banquet at Johannesburg on Dec. 14, 1927.
Mining industry very deeply concerned.

pra

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C. FOREIGN RELATIONS.

Mozambique
Convention.

In the field of foreign affairs the difficulties resulting from the denunciation of the Mozambique Convention continue to occupy the public mind. Public comment has been very much reserved apparently through anxiety to avoid complicating the existing situation. The most important pronouncement was that made by General Hertzog speaking at the Annual Engineer's banquet at Johannesburg on December 14, 1927. In the course of his remarks he stated that:

"In the first place, he had in spite of the denunciation no right to assume that it was the intention of the Portuguese Government to do anything that would injure the mining industry in the Transvaal. In the second place the Portuguese Government's intimation to the Union Government that the denunciation of the Convention did not imply in the least a spirit of hostility against the mining interests of the Transvaal was to him a guarantee that it would not happen. . . . Besides, the Portuguese realised that the respective interests were best secured by friendly co-operation the Union Government was willing to extend, as in the past, as long as Mozambique was willing to accept it on a basis of mutuality."

The restrained tone of this comment and the reserved character of most of the expressions of opinion from other sources relative to the matter would appear to indicate the somewhat more strained situation than would appear on the surface.

The mining industry is very deeply concerned and is exploring every possible other source of native labor supply both in Rhodesia and within the Union itself.

It

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It is also seeking to reduce as much as possible the requirements for native labor. More strenuous recruiting campaigns in the Union of South Africa may produce a few thousand more natives particularly if the agricultural season is bad, and if the physical requirements are eased. The number of natives in British South Africa is ample, but the difficulty is inducing them to work at present rates of pay and without dislocating the farming situation. Large numbers of the natives also are in the enclaves of Basutoland and Swaziland and not under the control of the Union of South Africa.

A few thousand Portuguese natives also will be able to "filter" across the frontier even if the legal recruiting is stopped, but it seems improbable that the equivalent of any substantial part of the 75,000, Portuguese natives now on the mines can be derived from any of the other sources in view.

The mining press has been on the whole from the outset inclined to be critical of the Nationalist Labor Government and is displaying a reluctance to say or do anything that may in any way impede or imperil the negotiations.

The MINING AND INDUSTRIAL magazine, one of the two leading mining publications has made the following comment:

"Neither the members of the Hertzog nor the Smuts Cabinets appear to have had much comprehension of the mentality of our Latin neighbors, and the latest attempt to solve the Lour-enco Marques problem by means of the suggestion

that

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that there should be a Board of Control consisting of five members of whom one would be Portuguese and the other four would be representatives of the Union was merely stupid. Equally foolish has been the way in which Union Governments have played the "giddy goat" for political purposes with the supply of East Coast labor to the mines."

The South African Case.

On the Government side the press comment has been fragmentary and inclined to attack the Portuguese rather than defend its own course of action.

On December 7, 1927, ONS VADERLAND, probably the leading Nationalist organ of the Transvaal, published an article which has been repeated in several other papers complaining of the treatment received in Angola by the Dutch speaking residents. The principal points complained of were that no title deeds had been obtainable for their property and that their schools had been suppressed and that therefore they had been obliged to send their children to the schools attended by native children. It also complained that the refusal of the Portuguese to recognize the so-called Consul of the Union of South Africa appointed for Angola.

The DIE BURGER, the Government organ in Cape Town, printed similar stories on December 29, 1927, about Portuguese mistreatment of the Boers in Angola. The South African NATION, which is usually regarded as the English mouthpiece of the Government has been even more outspoken referring briefly to the treatment of the South Africans in Angola and the refusal to recognize the Consul. It made the following comment:

"The

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"The treatment of our Nationals in Angola may, failing agreement between the Union and Portugal, perhaps be referred to the League of Nations. But the recognition of our sovereignty by Portugal is another matter.

"We have always discouraged any desire for territorial aggrandizement at the expense of Portugal, but if Portugal persists in her contumacious refusal to acknowledge our Consul, she renders us powerless to help her. As a nation that has only recently acquired independence, we are no doubt very sensitive about our national honor, but still that is no excuse to any country for insulting us. If friendly relations are to continue between the two countries, Portugal must clear up this little matter."

DOCUMENT FILE

NOTE

SEE 853.00 P.R./9 FOR #2253

FROM Portugal (Andrews) DATED April 3, 1928
TO NAME 1-1157 GPO

REGARDING: Relations - South African Union and Mozambique.
C.W.Malan, Minister of Railways and Ports of South
Africa Union, to visit in Lisbon and negotiate a
new Convention with Mozambique concerning railways
and native labor for the Rand mines.

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INTERNAL ECONOMIC

PORTUGAL AND SOUTH AFRICA

The newspapers report that Mr. C. V. Malan, Minister of Railways and Ports of the South African Union, will leave Cape Town for Lisbon on April 7th; and that it is believed the object of his visit to be the negotiation of a new Convention with Mozambique, not only in respect of railways, but also of native labor for the Rand mines.

DOCUMENT FILE

NOTE

SEE 853.00 P. R./11 FOR Despatch #2275.....

FROM Portugal (Andrews) DATED May 1, 1928
TO NAME 1-1127 G P O

REGARDING: Mozambique Convention. Minister of Railways of
Union of South Africa, Mr. Malan, coming to Lisbon to
confer with Minister for Colonies with regard to basis
for, -.

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7482.539
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MOZAMBIQUE CONVENTION:

It is reported that the Minister of Railways of the Union of South Africa, Mr. Malan, is coming to Lisbon to confer with the Minister of the Colonies with regard to the basis for the new Convention between Mozambique and the Union.

The newspapers, in pointing out the importance of this question, state that the port of Lourenço Marques is the best and the natural maritime outlet from the interior of the Transvaal, where are the great coal and gold mines of the Union, and that it cost about five million pounds to supply it with all the necessary implements. That for these mines (the output of which amounted to 840 million pounds between the years 1887 and 1925), Portugal contributes an important amount of native labor, and that in June 1927, there were in those mines about 101,116 natives working.

The Agreement between Mozambique and South Africa, which already existed with the Republic of the Transvaal, became effective in 1909. It consisted in the Union according a certain percentage of the importation trade, destined to benefit the movement of the port and Lourenço Marques railway, and in Mozambique granting the concession of allowing the recruiting of native labor for the Transvaal mines. It was later verified that the trade conceded by the Union was insufficient and that the emigration to the mines was too large.

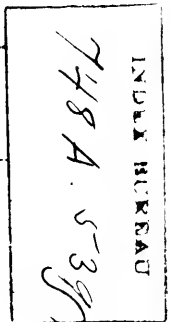
When Dr. Brito Camacho was High Commissioner of Mozambique, the Agreement was denounced, in 1923, and a temporary arrangement was made, by which only the concession of native labor for the mines was given, the concession of trade remaining at the free will of the Union. This arrangement was again denounced in 1927, and at present there exists no convention or agreement regulating the economic relations between Mozambique and the Union.

DOCUMENT FILE

NOTE

SEE 853.00 P. R./12 FOR Despatch #2293
FROM Portugal (Andrews) DATED May 16, 1928
TO NAME 1-1127 GPO

REGARDING: Portugal and Union of South Africa. Arrival in
Lisbon on May 4th of members composing South African
mission.



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PORTUGAL AND THE UNION OF SOUTH AFRICA:

The members composing the South African mission, presided over by Mr. Malan, the Minister of Railways of the Union, that comes to Portugal for the purpose of negotiating the renewal of the Convention between Portugal and South Africa (see Legation's despatch No. 2275, of May 1, 1928 -Page 9.-), arrived in Lisbon on May 4th. Aside from Mr. Malan, who is accompanied by his private Secretary, his nephew, of the same name, the other members of the mission are: Mr. B. A. Carthmore, expert in questions of native labor; Mr. J. S. Grant, railways expert. Messrs. A. T. Peuman and Frits Wirth, came also to Lisbon, the latter as representative of the Transvaal Chamber of Mines.

The inaugural session of the work of the Portuguese and South African delegations for the future Convention between the Province of Mozambique and the Union of South Africa, was held at the Foreign Office on the 7th, under the Presidency of the Portuguese Foreign Minister, the Minister of the Colonies and the Secretary General of the Foreign Office being also present.

The members of the Portuguese delegation are: Admiral Ernesto de Vasconcellos, Secretary General of the Ministry of the Colonies; Colonel José Cabral, Governor General of Mozambique, and Colonel Sá Carneiro.

A banquet was given in honor of the visiting delegates on May 14th by the Minister for Foreign Affairs.



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LEGATION OF THE
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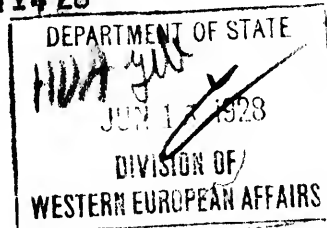


Lisbon, Portugal.

May 29, 1928.

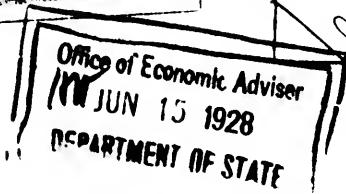
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The Honorable

The Secretary of State,
Washington, D. C.

Sir:

853.00 P.R. / 12

I have the honor to refer to the Legation's despatch No. 2293, of May 16, 1928, page 4, and to previous reports on the subject of the negotiations for the new Convention between Mozambique and the Union of South Africa, and to transmit herewith to the Department a copy of the "Diario do Governo" of May 16, 1928, containing the texts of the Bases of Agreement (in the Portuguese and English languages) for drawing up a Convention. This has been accepted by the Acting Minister of Colonies of the Portuguese Republic, and by the Minister of Railways and Harbors of the Union of South Africa, on behalf of their respective Governments.

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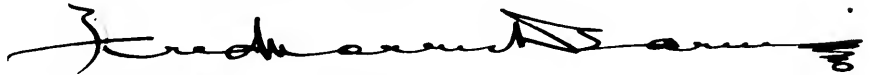
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- I also enclose, as of possible interest to the
- 1/ Department, a clipping, in original and in translation,
 - 2/ from the leading newspaper "Diario de Noticias" of an interesting article that appeared therein commenting upon the Convention in question.

no card
I have referred in my Despatch No. 2302, of May 22, 1928, to the importance of the relations between the Portuguese Colony of Mozambique and the Union of South Africa, and I shall have occasion to go thoroughly into this subject in connection with reports to be made of observations in the course of my recent visit to that Colony.

I have the honor to be, Sir,

Your obedient servant,



Fred Morris Dearing,
American Minister.

Enclosures:

- 1/ Copy of "Diario do Governo",
of May 16, 1928.
- 2/ Newspaper article.
- 3/ Translation of No. 2.

Quarta-feira 16 de Maio de 1928

I Série—Número III



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SUMÁRIO

Ministério do Interior:

- Decreto n.º 15:475** — Autoriza a comissão administrativa da Câmara Municipal do concelho de Pedrógão Grande a vender uns baldios que possui.
- Decreto n.º 15:476** — Autoriza a Junta de Freguesia de Almedina, da cidade de Coimbra, a alienar um prédio que possui.

Ministério da Justiça e dos Cultos:

- Portaria n.º 5:380** — Dispensa da obrigação de adquirirem o bilhete de identidade os estrangeiros que permanecem em Portugal, por um período não superior a sessenta dias, durante os meses de Junho a Outubro do ano de 1928.

Ministério da Marinha:

- Decreto n.º 15:477** — Estabelece os emblemas indicadores da especialização dos oficiais da armada como observadores da aviação do exército.
- Decreto n.º 15:478** — Suspende, até ser publicado o respectivo regulamento, a execução do decreto n.º 15:360, que estabelece as condições para que uma embarcação possa alcançar a nacionalidade portuguesa e gozar de privilégios e franquias que lhe resultam das leis e dos Tratados e Convenções internacionais.
- Decreto n.º 15:479** — Abre um crédito a fim do reforçar a verba inscrita no capítulo 2.º, artigo 8.º-A: «Subvenção colonial e quaisquer encargos resultantes da mesma».

Ministério do Comércio e Comunicações:

- Portaria n.º 5:381** — Determina que sejam lavrados pela Administração Geral dos Correios e Telégrafos com a Companhia Telefónica Nacional de Espanha, contratos para o estabelecimento do serviço telefónico internacional e para o estabelecimento de determinadas ligações.

Ministério das Colónias:

- Bases para uma Convenção acordadas entre o Ministro das Colónias da República Portuguesa e o Ministro dos Caminhos de Ferro e Portos da União da África do Sul, como representantes dos respectivos Governos.
- Decreto n.º 15:480** — Remodela os serviços da Repartição dos Correios e Telégrafos do Ministério das Colónias.
- Decreto n.º 15:481** — Permite ao almoxarife de fazenda de Lourenço Marques continuar a exercer as suas funções públicas, sem limite de idade, desde que a Junta de Saúde da colónia de Moçambique o considere apto para as exercer.

que seja autorizada a vender uns baldios que possui aplicando os respectivos produtos em obras de utilidade pública;

Considerando que entre outros melhoramentos que a comissão administrativa pretende introduzir sobressai aquele que pela sua natureza mais se impõe — o abastecimento de águas à população da mesma vila;

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta dos Ministros de todas as Repartições:

Hei por bem decretar, para valer como lei, o seguinte:

Artigo 1.º É autorizada a comissão administrativa da Câmara Municipal do concelho de Pedrógão Grande a vender em hasta pública, e independentemente das leis de desamortização, uns pequenos baldios que possui, aplicando o seu produto em obras de utilidade pública, especialmente às que respeitam ao abastecimento de água à população da mesma vila.

Art. 2.º Fica revogada a legislação em contrário.

Determina-se portanto a todas as autoridades a quem o conhecimento e execução do presente decreto com força de lei pertencer o cumpram e façam cumprir e guardar tam inteiramente como nêle se contém.

Os Ministros de todas as Repartições o façam imprimir, publicar e correr. Paços do Governo da República, 12 de Maio de 1928.—**ANTÓNIO ÓSCAR DE FRAGOSO CARMONA**—**José Vicente de Freitas**—**José da Silva Monteiro**—**António de Oliveira Salazar**—**Júlio Ernesto de Moraes Sarmento**—**Antbal de Mesquita Guimardes**—**António Maria de Bettencourt Rodrigues**—**José Bacelar Bebianno**—**Duarte Pacheco**—**Joaquim Nunes Mexia**.

Decreto n.º 15:476

Em 6 de Fevereiro último deliberou a comissão administrativa da Junta de Freguesia de Almedina, da cidade de Coimbra, pedir autorização superior para vender um prédio que possui na Couraça da Estrêla, sob o n.º 1, da mesma cidade, para com o seu produto reforçar a verba de assistência;

Considerando que, conforme o que dispõe a lei n.º 506, de 11 de Abril de 1916, às juntas de freguesia se tornou extensivo o n.º 5.º do artigo 94.º da lei n.º 88, de 7 de Agosto de 1913, que dá atribuições às câmaras municipais para poderem subsidiar estabelecimentos de assistência;

Considerando que, como está expresso no artigo 193.º da citada lei n.º 88, ao qual faz referência o artigo 23.º da lei n.º 621, de 23 de Junho de 1916, os contratos de

MINISTÉRIO DO INTERIOR

Direcção Geral de Administração Política
e Civil

Decreto n.º 15:475

Atendendo ao que representou a comissão administrativa da Câmara Municipal de Pedrógão Grande para

alienação deverão ser feitos sempre em hasta pública, independentemente das leis de desamortização;

Considerando que a Junta de Freguesia de Almedina, tendo deliberado pedir autorização para alienar o prédio que possui, pretende com o produto da venda reforçar a verba de assistência;

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta dos Ministros de todas as Repartições:

Hei por bem decretar, para valer como lei, o seguinte:

Artigo 1.º É autorizada a Junta de Freguesia de Almedina, da cidade de Coimbra, a alienar em hasta pública, e independentemente das leis de desamortização, o prédio que possui na Couraça da Estrela, da mesma cidade, devendo o produto da venda ser destinado a reforçar a verba de assistência.

Art. 2.º Fica revogada a legislação em contrário.

Determina-se portanto a todas as autoridades a quem o conhecimento e execução do presente decreto com força de lei pertencer o cumpiram e façam cumprir e guardar tam inteiramente como nele se contém.

Os Ministros de todas as Repartições o façam imprimir, publicar e correr. Dado nos Paços do Governo da República, em 14 de Maio de 1928.— ANTÓNIO OSCAR DE FRAGOSO CARMONA — José Vicente de Freitas — José da Silva Monteiro — António de Oliveira Salazar — Júlio Ernesto de Moraes Sarmiento — Aníbal de Mesquita Guimarães — António Maria de Bettencourt Rodrigues — José Bacelar Bebiano — Duarte Pacheco — Joaquim Nunes Mexia.

MINISTÉRIO DA JUSTIÇA E DOS CULTOS

Direcção Geral da Justiça e dos Cultos

Portaria n.º 5:380

Manda o Governo da República Portuguesa, pelo Ministro da Justiça e dos Cultos, que sejam dispensados da obrigação de adquirir o bilhete de identidade os estrangeiros que permanecerem em Portugal, por um período não superior a sessenta dias, durante os meses de Junho a Outubro inclusive do ano corrente.

Paços do Governo da República, 14 de Maio de 1928.— O Ministro da Justiça e dos Cultos, José da Silva Monteiro.

MINISTÉRIO DA MARINHA

Comando Geral da Armada

Repartição de Pessoal

Decreto n.º 15:477

Convindo estabelecer os emblemas indicadores da especialização dos oficiais da armada como observadores da aviação do exército;

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto

n.º 15:331, de 9 de Abril do ano corrente, sob proposta do Ministro da Marinha:

Hei por bem decretar o seguinte:

Artigo 1.º Os oficiais da armada especializados como observadores na aviação do exército farão uso do emblema a que se refere o artigo 1.º do decreto n.º 6:974, de 27 do Setembro de 1920.

Art. 2.º Fica revogada a legislação em contrário.

O Ministro da Marinha assim o tenha entendido e faça executar. Paços do Governo da República, 16 de Maio de 1928.— ANTÓNIO OSCAR DE FRAGOSO CARMONA — Aníbal de Mesquita Guimarães.

Direcção Geral da Marinha

Direcção da Marinha Mercante

Decreto n.º 15:478

Considerando que o decreto n.º 15:360, de 9 de Abril de 1928, trouxe, pela reacção que provocou, a presunção da existência de sociedades proprietárias de embarcações, portuguesas apenas pela sede, mas de capital possuído, na sua totalidade, por cidadãos estrangeiros ou sociedades estrangeiras;

Considerando que o mesmo decreto teve em vista o nacionalismo absoluto para a propriedade das embarcações de pesca, tráfego local e das embarcações fazendo o tráfego regular com as colónias, critério esse que, com justificada razão, deve ser tornado extensivo à propriedade de embarcações navegando apenas entre o continente e ilhas adjacentes;

Considerando que nas sociedades onde é estabelecido o nacionalismo absoluto se não deve permitir a gerência a cargo de indivíduo estrangeiro;

Considerando enfim a necessidade de se estabelecerem critérios para a confirmação da nacionalidade dos possuidores de acções segundo preceitos que, sem deixarem de evitar o dolo, não produzam, no entanto, motivos para abaixamento de cotação desses títulos;

Considerando que, nestas condições, se torna indispensável um determinado prazo para a execução do decreto e para o estabelecimento de normas regulamentares facilitando e dando possibilidade à sua perfeita interpretação;

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta dos Ministros de todas as Repartições:

Hei por bem decretar, para valer como lei, o seguinte:

Artigo 1.º É suspensa a execução do decreto n.º 15:360, de 9 de Abril de 1928, até ser publicado o respectivo regulamento.

Art. 2.º Fica revogada a legislação em contrário.

Determina-se portanto a todas as autoridades a quem o conhecimento e execução do presente decreto com força de lei pertencer o cumpiram e façam cumprir e guardar tam inteiramente como nele se contém.

Os Ministros de todas as Repartições o façam imprimir, publicar e correr. Dado nos Paços do Governo da República, em 16 de Maio de 1928.— ANTÓNIO OSCAR DE FRAGOSO CARMONA — José Vicente de Freitas — José da Silva Monteiro — António de Oliveira Salazar — Júlio Ernesto de Moraes Sarmiento — Aníbal de Mesquita Guimarães — António Maria de Bettencourt Rodrigues — José Bacelar Bebiano — Duarte Pacheco — Joaquim Nunes Mexia.

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**6.ª Repartição da Direcção Geral
da Contabilidade Pública**

Decreto n.º 15:479

Tornando-se necessário reforçar a verba que, por decreto n.º 14:945, de 23 de Janeiro de 1928, foi destinada a constituir o capítulo 2.º, artigo 8.º-A, «Subvenção colonial e quaisquer encargos resultantes da mesma», do orçamento do Ministério da Marinha em vigor no corrente ano económico;

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta dos Ministros de todas as Repartições:

Høj por bem decretar, para valer como lei, o seguinte:

Artigo 1.º É aberto no Ministério das Finanças, a favor do Ministério da Marinha, um crédito especial da quantia de 300.000\$, a fim do reforçar a verba inscrita no capítulo 2.º, artigo 8.º-A, «Subvenção colonial e quaisquer encargos resultantes da mesma», da despesa ordinária do orçamento do segundo dos citados Ministérios para o ano económico de 1927-1928.

Art. 2.º Fica revogada a legislação em contrário.

Determina-se portanto a todas as autoridades a quem o conhecimento e execução do presente decreto com força de lei pertencer o cumpram e façam cumprir e guardar tam inteiramente como nelle se contém.

Os Ministros de todas as Repartições o façam imprimir, publicar e correr. Dado nos Paços do Governo da República, em 16 de Maio de 1928.—**ANTÓNIO OSCAR DE FRAGOSO CARMONA**—*José Vicente de Freitas*—*José da Silva Monteiro*—*António de Oliveira Salazar*—*Júlio Ernesto de Moraes Sarmento*—*Aníbal de Mesquita Guimarães*—*António Maria de Bettencourt Rodrigues*—*José Bacelar Bebbiano*—*Duarte Pacheco*—*Joaquim Nunes Mexia*.

MINISTÉRIO DO COMÉRCIO E COMUNICAÇÕES

**Administração Geral dos Correios
e Telégrafos**

Direcção dos Serviços da Exploração Eléctrica

2.ª Divisão

Portaria n.º 5:381

Manda o Governo da República Portuguesa, pelo Ministro do Comércio e Comunicações, precedendo aprovação do Conselho de Ministros, que sejam lavrados pela Administração Geral dos Correios e Telégrafos com a Companhia Telefónica Nacional de Espanha contratos para o estabelecimento do serviço telefónico internacional e para o estabelecimento das seguintes ligações: Elvas-Badajoz, Tui-Valença, Aiamonte-Vila Real de Santo António, em conformidade com as minutas juntas que fazem parte integrante desta portaria.

Paços do Governo da República, 16 de Abril de 1928.—O Ministro do Comércio e Comunicações, *José Bacelar Bebbiano*.

Para o engenheiro administrador geral dos correios e telégrafos.

Serviço Telefónico Internacional

Contrato entre a Administração Geral dos Correios e Telégrafos da República Portuguesa e a Companhia Telefónica Nacional de Espanha.

Artigo 1.º A Administração Geral dos Correios e Telégrafos da República Portuguesa, que neste contrato será designada por «Administração Portuguesa» compromete-se a, dentro do prazo de um ano, a contar da data da ratificação deste contrato, construir dois circuitos telefónicos, independentes de qualquer linha telegráfica, cujo traçado, partindo de Lisboa, atravesse a fronteira Hispano-Portuguesa-Marvão-Valência de Alcântara.

Art. 2.º A Companhia Telefónica Nacional de Espanha, que neste contrato será designada por «Companhia», por sua parte, no prazo de um ano a contar da data da ratificação deste contrato, compromete-se a prolongar os dois circuitos que já possui, e que terminam em Cáceres, de forma que possam ser ligados aos indicados no artigo 1.º, no ponto da fronteira luso-espanhola mencionado no aludido artigo 1.º

Art. 3.º O ponto exacto da ligação das duas linhas será determinado por uma comissão que, no momento da construção, designará o local do poste em que as duas linhas hão-de coincidir.

Art. 4.º As linhas serão construídas segundo as especificações que serão acordadas entre as duas Partes Contratantes, que se comprometem, no entanto, a introduzir nelas os melhoramentos que a técnica telefónica de futuro aconselhe.

Art. 5.º A Companhia compromete-se, por sua vez, a estudar e instalar, no território espanhol, as estações de repetidores necessárias, com o fim de que as conversações de Lisboa pelo circuito internacional se possam efectuar com as estações que pertencem à rede da Companhia, assim como com outras redes que estejam ou possam estar ligadas às propriedades da mesma Companhia.

Por sua parte, a Administração Portuguesa compromete-se a instalar, onde for necessário, as estações de repetidores precisas para que a ligação de qualquer outra linha da rede portuguesa com a linha internacional Lisboa-Madrid se faça em perfeitas condições de funcionamento.

Art. 6.º Pelo menos um dos circuitos a que se referem os artigos 1.º e 2.º será destinado a ligar directamente as cidades de Lisboa e Madrid, sempre que o tráfico entre Portugal e Espanha o justifique.

Art. 7.º A Companhia compete negociar as autorizações precisas para as comunicações entre a rede telefónica da Administração Portuguesa e qualquer outra ligada à da mesma Companhia, a fim de estender o tráfico telefónico até pontos diferentes dos que actualmente estão autorizados; e somente depois da obtenção dessas autorizações as comunicações se podem realizar.

Art. 8.º No caso de chegar ao acordo a que se refere o artigo anterior, a Companhia fornecerá os circuitos adequados para que o tráfico internacional de trânsito se realize da maneira mais eficiente.

Art. 9.º As tarifas que hão-de aplicar-se ao serviço telefónico que se troque entre os dois países serão as tarifas que o Governo Português determine como correspondentes ao trânsito pelas linhas da Administração Portuguesa, acrescido das tarifas autorizadas pelo Governo Espanhol para o serviço que presta a Companhia em território espanhol.

A estas taxas acrescentar-se há a parte que corresponda, pelas suas tarifas, a qualquer outra entidade espanhola ligada à rede da Companhia.

A Administração Portuguesa e a Companhia acordarão nas tarifas a aplicar ao serviço telefónico que se troque

entre Portugal e qualquer outro país, cujas linhas liguem com as da Companhia, à medida que este novo serviço se estabeleça.

Art. 10.º Qualquer alteração das tarifas por uma das Partes Contratantes só entrará em vigor um mês depois de que a outra tenha conhecimento dessa alteração.

Art. 11.º A cobrança das taxas correspondentes ao serviço telefónico será feita pela estação peticionária da comunicação.

Art. 12.º Por meses vencidos, far-se há o balanço das quantias que pertençam à Administração Portuguesa e à Companhia, saldando-se a diferença entre as quantias que se tenham recebido directamente por toda a espécie de serviço telefónico internacional e as que correspondam a cada entidade.

Art. 13.º Num prazo não superior a dois meses a seguir àquele cujos balanços se tenham efectuado, será pago pela entidade devedora à credora o saldo que contra ela acuse o balanço final.

Art. 14.º Para todos os efeitos de contabilidade, considerar-se há como unidade o franco-ouro, moeda de 10/31 gramas de peso e uma liga de 0,900.

A equivalência entre a moeda espanhola, a portuguesa e o franco-ouro será fixada trimestralmente pela Companhia e pela Administração Portuguesa, podendo no entanto ser feita nova equivalência dentro desse período a pedido de qualquer das Partes Contratantes, quando variações importantes da moeda própria a isso a obriquem.

As duas Partes Contratantes comunicarão uma à outra a cifra adoptada como equivalente para o câmbio, com quinze dias de antecedência da data em que haja de começar esse câmbio.

A Companhia aceita pela sua parte o tipo de câmbio fixado pela Administração dos Telégrafos Espanhola para o serviço telegráfico internacional.

Art. 15.º A Administração Portuguesa e a Companhia estudarão e acordarão em conjunto a forma e natureza do serviço telefónico a trocar entre os dois países, assim como as modalidades do serviço de trânsito, quando as estações pertencentes à República Portuguesa peçam comunicação com os países ligados à rede da Companhia.

Art. 16.º Fica bem entendido que as conversações que cursem pelas linhas internacionais podem em qualquer momento ser suspensas total ou parcialmente no caso em que os Governos Português ou Espanhol façam uso desse direito, em caso de guerra ou de alteração de ordem pública, ou quando os mesmos Governos o julgarem conveniente para o interesse público.

Nesses casos, as obrigações da Administração Portuguesa e da Companhia ficarão sem efeito durante o tempo em que os Governos Espanhol ou Português exerçam os poderes e direitos especificados no primeiro parágrafo deste artigo.

Art. 17.º Quaisquer dúvidas que possam suscitar-se na interpretação deste contrato e do regulamento previsto no artigo 15.º, bem como as modificações necessárias para aclaração do mesmo contrato, que não importem alterações essenciais às bases nele contidas, serão resolvidas de comum acordo entre as duas Partes Contratantes.

Art. 18.º A Administração Portuguesa e a Companhia estudarão em conjunto a conveniência e possibilidade de ligar a rede portuguesa com a espanhola em outros pontos diferentes do consignado neste contrato.

Art. 19.º Tanto a Administração Portuguesa como a Companhia poderão denunciar e rescindir este contrato, avisando a outra parte contratante com seis meses de antecedência da data em que deva surtir efeito a rescisão.

Nenhuma das Partes Contratantes poderá porém usar

da faculdade designada neste artigo sem autorização do respectivo Governo.

Paços do Governo da República, 16 de Abril de 1928.—
O Ministro do Comércio e Comunicações, *José Bacelar Bebião*.

Para o engenheiro administrador geral dos correios e telégrafos.

Contrato entre a Administração Geral dos Correios e Telégrafos da República Portuguesa e a Companhia Telefónica Nacional de Espanha para o serviço telefónico entre as estações de Elvas e Badajoz.

Artigo 1.º A Administração Geral dos Correios e Telégrafos da República Portuguesa, que neste contrato será designada por «Administração Portuguesa», instalará uma estação telefónica inter-urbana em Elvas e construirá, desde essa estação até à fronteira luso-espanhola, um circuito para ligar a outro circuito a construir desde Badajoz até o mesmo ponto da fronteira pela Companhia Telefónica Nacional de Espanha, designada neste contrato por «Companhia».

Os trabalhos para a construção desta linha de ligação ficarão concluídos no prazo máximo de quatro meses, a contar da aprovação deste contrato pelos Governos de ambos os Países.

As linhas e aparelhos em território português serão instalados e conservados pela Administração Portuguesa, assim como as linhas e aparelhos em território espanhol serão instalados e conservados pela Companhia.

Art. 2.º O serviço entre as estações de Elvas e Badajoz será diário e estará aberto ao público desde as oito às vinte e quatro horas, a não ser que se introduzam modificações no horário, a estabelecer de acordo entre as duas Partes Contratantes.

Art. 3.º A estação de Elvas receberá da estação de Badajoz e dará curso aos pedidos de conversação feitos pelas estações inter-urbanas da Companhia e respectivos assinantes para as estações inter-urbanas e assinantes das redes da Administração Portuguesa a ela ligadas.

Art. 4.º A estação de Badajoz receberá da estação de Elvas e dará curso aos pedidos de conversação feitos pelas estações inter-urbanas da Administração Portuguesa e respectivos assinantes para as estações inter-urbanas e assinantes das redes da Companhia a ela ligados.

Art. 5.º A tarifa das conversações realizadas entre as estações de Elvas e de Badajoz será de 70 centimos de franco-ouro, por cada três minutos ou fracção, correspondendo a cada uma das Partes Contratantes 50 por cento dessa taxa.

Art. 6.º As conversações que utilizando esta ligação se executem entre estações diferentes de Elvas e Badajoz estarão sujeitas à tarifa que a Administração Portuguesa tenha estabelecido até a estação de Elvas, mais a tarifa que a Companhia tenha fixado até a estação de Badajoz, adicionadas da tarifa de 70 centimos-ouro mencionada no artigo 5.º

Cada entidade contratante receberá a taxa correspondente às suas linhas e 50 por cento da taxa correspondente à linha de ligação Elvas-Badajoz.

Art. 7.º São aplicáveis a este contrato as disposições dos artigos 3.º, 4.º, 10.º, 11.º, 12.º, 13.º, 14.º, 16.º, 17.º e 19.º do contrato celebrado entre a Administração Portuguesa e a Companhia para o serviço telefónico internacional.

Paços do Governo da República, 16 de Abril de 1928.—O Ministro do Comércio e Comunicações, *José Bacelar Bebião*.

Para o engenheiro administrador geral dos correios e telégrafos.

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Contrato entre a Administração Geral dos Correios e Telégrafos da República Portuguesa e a Companhia Telefónica Nacional de Espanha para o serviço telefónico entre as estações de Tui-Valença.

Artigo 1.º A Administração Geral dos Correios e Telégrafos da República Portuguesa, que neste contrato será designada por «Administração Portuguesa», instalará uma estação telefónica inter-urbana em Valença e construírá desde essa estação até à fronteira luso-espanhola um circuito para ligar a outro circuito a construir desde Tui até ao mesmo ponto da fronteira pela Companhia Telefónica Nacional de Espanha, designada neste contrato por «Companhia».

Os trabalhos para a construção desta linha de ligação ficarão concluídos no prazo máximo de quatro meses, a contar da aprovação deste contrato pelos Governos de ambos os Países.

As linhas e aparelhos em território português serão instalados e conservados pela Administração Portuguesa, assim como as linhas e aparelhos em território espanhol serão instalados e conservados pela Companhia.

Art. 2.º O serviço entre as estações de Valença e Tui será diário e estará aberto ao público desde as oito às vinte e quatro horas, a não ser que se introduzam modificações no horário, a estabelecer de acordo entre as duas Partes Contratantes.

Art. 3.º A estação de Valença receberá da estação de Tui e dará curso aos pedidos de conversação feitos pelas estações inter-urbanas da Companhia e respectivos assinantes para as estações inter-urbanas e assinantes das redes da Administração Portuguesa a ela ligadas.

Art. 4.º A estação de Tui receberá da estação de Valença e dará curso aos pedidos de conversação feitos pelas estações inter-urbanas da Administração Portuguesa e respectivos assinantes para as estações inter-urbanas e assinantes das redes da Companhia a ela ligadas.

Art. 5.º A tarifa das conversações realizadas entre as estações de Valença e de Tui será de 50 centimos ouro por cada três minutos ou fracção, correspondendo a cada uma das Partes Contratantes 50 por cento dessa taxa.

Art. 6.º As conversações que, utilizando esta ligação, se executem entre estações diferentes de Valença e Tui estarão sujeitas à tarifa que a Administração Portuguesa tenha estabelecido até a estação de Valença, mais a tarifa que a Companhia tenha fixado até a estação de Tui, adicionada da tarifa de 50 centimos ouro mencionada no artigo 5.º

Cada entidade contratante receberá a taxa correspondente às suas linhas e 50 por cento da taxa correspondente à ligação Valença-Tui.

Art. 7.º São aplicáveis a este contrato as disposições dos artigos 3.º, 4.º, 10.º, 11.º, 12.º, 13.º, 14.º, 16.º, 17.º e 19.º do contrato celebrado entre a Administração Portuguesa e a Companhia para o serviço telefónico internacional.

Paços do Governo da República, 16 de Abril de 1928.—O Ministro do Comércio e Comunicações, *José Bacelar Bebiano*.

Para o engenheiro administrador geral dos correios e telégrafos.

Contrato entre a Administração Geral dos Correios e Telégrafos da República Portuguesa e a Companhia Telefónica Nacional de Espanha para o serviço telefónico entre as estações de Aiamonte e Vila Real de Santo António.

Artigo 1.º A Administração Geral dos Correios e Telégrafos da República Portuguesa, que neste contrato

será designada por «Administração Portuguesa», instalará uma estação telefónica inter-urbana em Vila Real de Santo António e construírá desde essa estação um circuito até a margem direita do Rio Guadiana.

A Companhia Telefónica Nacional de Espanha, designada neste contrato por «Companhia», construírá um circuito desde Aiamonte até a margem esquerda do mencionado rio.

A Companhia compromete-se a instalar o cabo sub-fluvial que ligue as margens do Rio Guadiana, devendo a Administração Portuguesa pagar à Companhia o custo de metade do cabo na parte sub-fluvial, incluindo as despesas da sua colocação. A parte terrestre e as baracas de amarração serão de conta de cada uma das partes contratantes.

Os trabalhos para a construção desta linha de ligação terão começo no prazo máximo de quatro meses a contar da aprovação deste contrato pelos Governos de ambos os Países.

As linhas e aparelhos em território português serão instalados e conservados pela Administração Portuguesa, assim como as linhas e aparelhos em território espanhol serão instalados e conservados pela Companhia.

Art. 2.º O serviço entre as estações de Vila Real de Santo António e Aiamonte será diário e estará aberto ao público desde as oito às vinte e quatro horas, a não ser que se introduzam modificações no horário, a estabelecer de acordo entre as duas Partes Contratantes.

Art. 3.º A estação de Vila Real de Santo António receberá da estação de Aiamonte e dará curso aos pedidos de conversação feitos pelas estações inter-urbanas da Companhia e respectivos assinantes para as estações inter-urbanas e assinantes das redes da Administração Portuguesa a elas ligadas.

Art. 4.º A estação de Aiamonte receberá da estação de Vila Real de Santo António e dará curso aos pedidos de conversação feitos pelas estações inter-urbanas da Administração Portuguesa e respectivos assinantes para as estações inter-urbanas e assinantes das redes da Companhia a ela ligadas.

Art. 5.º A tarifa das conversações realizadas entre as estações de Vila Real de Santo António e Aiamonte será de 60 centimos de franco-ouro por cada três minutos ou fracção, correspondendo a cada uma das Partes Contratantes 50 por cento dessa taxa.

Art. 6.º As conversações que, utilizando esta ligação, se executem entre estações diferentes de Vila Real de Santo António e Aiamonte estarão sujeitas à tarifa que a Administração Portuguesa tenha estabelecido até a estação de Vila Real de Santo António, mais a tarifa que a Companhia tenha fixado até a estação de Aiamonte, adicionadas da tarifa de 70 centimos ouro, mencionada no artigo 5.º

Cada entidade contratante receberá a taxa correspondente às suas linhas e 50 por cento da taxa correspondente à linha de ligação de Vila Real de Santo António-Aiamonte.

Art. 7.º São aplicáveis a este contrato as disposições dos artigos 3.º, 4.º, 10.º, 11.º, 12.º, 13.º, 14.º, 16.º, 17.º e 19.º do contrato celebrado entre a Administração Portuguesa e a Companhia para o serviço telefónico internacional.

Paços do Governo da República, 16 de Abril de 1928.—O Ministro do Comércio e Comunicações, *José Bacelar Bebiano*.

Para o engenheiro administrador geral dos correios e telégrafos.

MINISTÉRIO DAS COLÓNIAS

Gabinete do Ministro

Bases para uma Convenção acordadas entre o Ministro das Colónias da República Portuguesa e o Ministro dos Caminhos de Ferro e Portos da União da África do Sul como representantes dos respectivos Governos

Lisboa — Maio, 1928

Bases para a Convenção entre o Governo Português e o Governo da África do Sul

Trabalho indígena

I

O Governo Português autorizará o recrutamento e subsequente repatriação de trabalhadores indígenas nos territórios da colónia de Moçambique, sob directa administração do Estado, para serem empregados nas minas de ouro e de carvão e indústrias correlativas, da província do Transvaal da União da África do Sul, nos termos e condições, e em harmonia com as facilidades e acordos em vigor actualmente e que não forem alterados pela Convenção a celebrar, não sendo esse recrutamento autorizado ao norte do paralelo 22.º de latitude sul e evitando-se tanto quanto praticamente for possível que sejam recrutados indígenas que tendo estado anteriormente nas minas se não tenham demorado pelo menos seis meses na colónia, depois do seu regresso do Transvaal.

Um funcionário português exercerá as funções de curador dos indígenas portugueses na União da África do Sul, sobre os quais terá toda a competência dos funcionários consulares e bem assim a que for fixada na Convenção para cumprimento das disposições desta.

II

O presente número de indígenas portugueses empregados nas minas do Transvaal será progressiva e proporcionalmente reduzido nos cinco anos subsequentes à assinatura da Convenção até ao contingente máximo de 30.000.

III

Os contratos dos trabalhadores indígenas portugueses serão por um período não superior a doze meses (313 dias úteis), mas os trabalhadores poderão recontratar-se ou renovar os seus contratos por um período ou períodos não excedentes a seis meses (156 dias úteis). O período máximo de serviço não excederá, em caso algum, dezasseis meses.

IV

Será condição obrigatória do recrutamento de indígenas portugueses estipular-se que metade do salário fixado no contrato nos últimos três meses do período inicial e durante o período de recontrato seja retida para ser paga somente na colónia de Moçambique na ocasião do regresso dos trabalhadores às suas terras.

V

Os trabalhadores indígenas portugueses que ao terminarem os contratos de serviço nas minas do Transvaal, quer tenham entrado na União com passaporte, quer tenham obtido esse passaporte do curador, legalizando assim a sua situação, deixem de regressar à colónia de Moçambique serão considerados residentes clandestinos na União da África do Sul, sendo-lhes aplicável o regu-

lamento dos imigrantes. O curador terá competência para, de acordo com a Repartição dos Negócios Indígenas da União, adiar ou dispensar em casos especiais as disposições deste artigo.

O indígena português, identificado como tal, e que se encontre na União sem estar munido de passaporte português validado ou revalidado, será considerado imigrante clandestino.

VI

Pelos indígenas e pelos patrões que os empreguem serão pagos emolumentos e taxas em importâncias a fixar nos casos que forem especificados na Convenção.

VII

Os espólios dos indígenas portugueses que tiverem sido empregados nas minas e bem assim as compensações referentes a esses indígenas serão entregues às autoridades portuguesas quando não sejam encontrados os respectivos herdeiros ou beneficiários, e o seu produto será aplicado exclusivamente a benefício da população indígena de Moçambique.

VIII

As autoridades de Moçambique poderão fornecer passaportes especiais aos indígenas que desejem emigrar, para serem empregados nas minas, independentemente da intervenção dos agentes de recrutamento, mediante acordo entre as Repartições dos Negócios Indígenas das Partes Contratantes, sendo o número desses indígenas incluído no contingente fixado na base II.

IX

Expirado o prazo da Convenção, será a base V aplicável a todos os indígenas portugueses que estejam empregados nas minas do Transvaal, continuando o curador a exercer as suas funções até à repatriação desses indígenas.

Porto e caminho de ferro

X

a) O Governo da União da África do Sul concorda em assegurar à Administração do Caminho de Ferro de Lourenço-Marques uma percentagem no tráfego de além-mar igual àquela que presentemente é importada pelo porto de Lourenço Marques, com destino à área do Transvaal conhecida pelo nome de «zona de competência do Transvaal», nomeadamente uma percentagem de 50 a 55 por cento, devendo o detalhe das disposições a tomar ser acordado entre os dois Governos.

Da percentagem de tráfego de além-mar será excluído o tráfego destinado às autoridades civis, militares e ferroviárias;

b) A divisão das tarifas entre a Administração dos Caminhos de Ferro de Lourenço Marques e a Administração dos Caminhos de Ferro da África do Sul no tráfego entre a União e as estações dos Caminhos de Ferro de Lourenço Marques, em ambas as direcções, será regulada por disposições a tomar por acordo entre as duas Administrações, nos termos da Convenção.

XI

Se decorridos seis meses depois de entrar em vigor a Convenção ou decorridos períodos sucessivos de seis meses se verificar que a percentagem na tonagem do tráfego de além-mar transportado pela via de Lourenço Marques para a zona de competência do Transvaal é superior a ou inferior à percentagem referida na base X, então, no primeiro caso, a Administração dos S. A. R. e no segundo caso a Administração dos C. F. L. M. terá o di-

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reito de reclamar o necessário reajustamento cuja detalhe será acordado entre as duas respectivas Administrações.

XII

A não ser que por outra forma seja mutuamente acordado entre a Administração dos C. F. L. M. e a Administração dos S. A. R., as tarifas do tráfego remetido das estações dos S. A. R. para Lourenço Marques para exportação por via marítima, que não seja para a África do Sul ou para a South-West Africa, serão baseadas nas tarifas ferroviárias prescritas para o tráfego de exportação transportado a iguais distâncias dentro da União para qualquer dos seus portos devendo as referidas tarifas ser divididas na base de milhagem depois de retiradas as taxas terminais para cada Administração.

As imposições de qualquer natureza no porto de Lourenço Marques pelo embarque e outros serviços que incidam sobre esta espécie de tráfego não devem exceder as mais baixas taxas impostas sobre tráfego similar exportado por qualquer porto da União.

XIII

As Partes Contratantes concordam em não tomar disposições ou introduzir medidas tendentes a anular as disposições tomadas nesta Convenção.

XIV

a) Reconhecendo-se que é desejável promover a exportação pelo porto de Lourenço Marques, fica assente em princípio que o governo da colónia de Moçambique instituirá um conselho consultivo cuja função será apenas a de estudar e recomendar os melhores meios para favorecer a exportação do tráfego oriundo da parte da União naturalmente servida pelo porto de Lourenço Marques.

b) Em relação a todos os assuntos que afectam as duas Administrações, tais como acordos sobre material circulante, movimento de comboios, etc., o director dos caminhos de ferro de Lourenço Marques e o director geral dos caminhos de ferro da África do Sul consultar-se hão reciproca e livremente e todos estes assuntos farão objecto de acordos periódicos entre as suas Administrações.

XV

O Governo da União da África do Sul toma sobre si o encargo de quando o território conhecido pelo nome de Swazilândia for incorporado na União solicitar do Railways and Harbours Board da União considerar e relatar acerca da questão de facilidades ferroviárias no território da Swazilândia incluindo uma ligação ferroviária com a linha portuguesa que se dirige àquele país.

XVI

Reconhecendo a amizade e interesses existentes entre Moçambique e a União, o Governo da União da África do Sul toma o encargo de, se ou quando solicitado pelo governo de Moçambique e em quaisquer negociações que tenha por conveniente entabolar com qualquer companhia de navegação, empregar os meios que julgue razoáveis para discutir a posição de Lourenço Marques, em relação à União, como porto de importação e exportação de tráfego oriundo da parte da União que ele serve.

Alfândegas e intercâmbio comercial

XVII

Em relação a alfândega e intercâmbio comercial acordam os dois Governos nos seguintes princípios:

a) Reciprocidade de tratamento de nação mais favore-

cida, reservando-se cada Governo contratante o seu pleno direito de protecção para os seus produtos;

b) Admissão livre de direitos na União de certos e especificados produtos de Moçambique em troca de semelhante tratamento para certos e especificados produtos da União quando importados em Moçambique;

c) Liberdade do comércio de trânsito;

d) Aceitação dos valores de origem para efeito de direitos sobre as mercadorias importadas pela União dos armazéns sob regime especial aduaneiro em Lourenço Marques (ex-bond);

e) Pagamentos ao governo de Moçambique relativos às mercadorias trazidas pelos trabalhadores indígenas, que regressam à colónia das minas ou das indústrias mineiras da provincia do Transvaal.

Disposições diversas

XVIII

A vigência da Convenção será por um período de dez anos, a contar da troca de ratificações, continuando o Convénio em vigor até ser denunciado, por qualquer das Partes Contratantes, com um ano de aviso prévio, podendo no entanto, a pedido de qualquer delas, fazer-se a revisão das cláusulas da Convenção cinco anos depois da ratificação. Não havendo acordo sobre a revisão acima referida o Convénio expirará no prazo de seis meses, a contar da data da notificação.

XIX

A Convenção, projectada nestas bases, será celebrada e executada na União da África do Sul no decurso de quatro meses a partir de 1 de Junho de 1928, e entrará em vigor até ser ratificada, observando-se as estipulações constantes dos acordos existentes, modificados por estas bases, enquanto não se concluir a Convenção, no caso imprevisto de se demorarem as negociações além do prazo fixado.

XX

Todas as divergências que se suscitarem relativas à interpretação ou à execução da Convenção e que não sejam resolvidas por negociações directas entre os dois Governos serão submetidas a arbitragem, nomeando o Governo Português para esse efeito seu árbitro o juiz Presidente do Tribunal da Relação de Moçambique e o Governo da União da África do Sul o Juiz Presidente do Supremo Tribunal de Justiça da União. Se estes dois magistrados não chegarem a acordo escolherão um árbitro de desempate, e se não houver entendimento sobre esta nomeação o presidente do Tribunal Permanente de Justiça Internacional da Haia será solicitado para indicar o árbitro de desempate. O julgamento far-se há *ex aequo et bono* e nos mais termos do compromisso arbitral que se há-de celebrar para cada caso. — J. Bacelar Bebianno — C. W. Malan.

Heads of agreement for the purpose of drawing up a Convention accepted by the Honourable the Acting Minister of Colonies of the Portuguese Republic and the Honourable the Minister of Railways and Harbours Union of South Africa on behalf of their respective Governments.

Lisbon — May, 1928

Matters affecting natives

ARTICLE I

The Portuguese Government will authorise the recruiting and subsequent repatriation of native labour.

thin the territories of the Colony of Mozambique under direct Administration for employment in gold and al mining industries of the Transvaal Province of the Union of South Africa upon such terms and conditions, and in accordance with such facilities and arrangements have heretofore been observed, saving insofar as these conditions may be modified by the contemplated convention, provided that no recruiting shall be authorized in the area north of the parallel latitude twenty degrees south and provided further that as far as is reasonably practicable no native previously employed on the mines shall be engaged within a period of six months from the completion of such antecedent contract. A Portuguese Official will undertake the functions of curator of Portuguese natives in the Union of South Africa and will have in respect of such natives the powers and authorities of consular officers and in addition the powers and authorities that may be conferred upon him by the Convention in fulfilment of its clauses.

ARTICLE II

The number of Portuguese natives at present employed on the Transvaal mines shall be progressively and proportionately reduced during the five years succeeding the signature of the Convention to a maximum complement of eighty thousand.

ARTICLE III

The contracts of Portuguese native labourers shall not extend for a longer period than twelve months (three hundred and thirteen shifts) but such labourers may engage themselves or extend their contracts for a shorter period or periods up to an additional six months (one hundred and fifty-six shifts). The maximum period of service shall not in any case exceed eighteen months.

ARTICLE IV

It shall be a condition of the recruitment of Portuguese native labourers that one-half of the contract rate pay during the final three months of the initial term contract and during any period or periods of re-engagement shall be retained as deferred pay and shall be paid out only in the Colony of Mozambique upon the return of the labourers to their homes.

ARTICLE V

Portuguese native labourers who upon the termination of their services in the Transvaal mines (whether they entered the Union under passport or obtained their passports in the Union from the curator thus legalising their position) fail to return to the Colony of Mozambique shall be regarded as clandestine residents of the Union of South Africa and in this connection the provisions of the Immigrants Regulation Act shall be applied; provided that in order to meet special cases it shall be competent for the curator after consultation with the Union Department of Native Affairs to postpone or dispense with the requirement of this article.

Any Portuguese native who can be identified as such within the Union, and who is not in possession of a valid and current Portuguese pass shall be regarded as prohibited immigrant.

ARTICLE VI

Fees and payments to an amount to be agreed upon shall be due by native labourers and their employers as specified in the Convention.

ARTICLE VII

The assets in the estates of all Portuguese natives employed upon the mines together with any compensation money due in respect of such natives shall, where the heir or beneficiary cannot be traced, be added to the Portuguese authorities for exclusive application to the welfare of the native population of Mozambique.

ARTICLE VIII

When by arrangement between the Native Affairs Department of the Contracting Powers the Authorities of Mozambique provide for the emmigration of natives who wish to proceed to employment on the mines without the intervention of any recruiting agency, a special passport shall be brought into use, but the number of such natives shall fall within the quota prescribed under article two.

ARTICLE IX

Upon the expiration of the Convention the terms of article five shall apply in respect of all Portuguese natives then employed by the Transvaal mines and the curator shall continue his functions pending the repatriation of such natives.

Port and Railway Matters

ARTICLE X

a) The Government of the Union of South Africa agrees to secure to the C. F. L. M. Administration a percentage of sea-borne traffic equal to that at present imported through the port of Lourenço Marques for that portion of the Transvaal known as the Transvaal Competitive Area, namely from fifty per cent to fifty-five per cent, the detailed arrangements to be arrived at between the two Governments; sea-borne goods traffic shall exclude traffic for the civil, military and railway authorities.

b) The division of railway rates between the C. F. L. M. Administration and the S. A. R. Administration on traffic carried between the Union and the C. F. L. M. stations in both directions shall be regulated by arrangements made between both Administrations, in terms of the Convention.

ARTICLE XI

If, six months after the Convention is set in force or in successive periods of six months, it is verified that the percentage of tonnage of sea-borne traffic conveyed via the Lourenço Marques route for the Transvaal Competitive Area is in excess of, or lower than, the percentage referred to in Article ten, then in the case of the former the S. A. R. Administration, and in the case of the latter, the C. F. L. M. Administration shall have the right to claim the necessary adjustment, the detailed arrangements to be agreed upon by the respective Administrations.

ARTICLE XII

Unless otherwise mutually agreed upon between the C. F. L. M. Administration and the S. A. R. Administration, the rates on traffic consigned from S. A. R. stations to Lourenço Marques for export overseas beyond South or South-West Africa shall be based on the railway tariffs prescribed for export traffic carried like distances within the Union to any Union port, and such rates shall be divided between the two Administrations on a mileage basis after terminal allowances to each Administration have been from the rates.

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The charges of all descriptions at the Port of Lourenço Marques for shipping and other services on such traffic shall not exceed the lowest charges on similar traffic exported through any Union Port.

ARTICLE XIII

The parties to the Convention agree not to take steps or introduce measures likely to nullify the arrangements arrived at.

ARTICLE XIV

a) Recognising the desirability of promoting exports through the port of Lourenço Marques, it is agreed in principle that an Advisory Board shall be established by the Government of Mozambique whose functions shall only be to consider and advise as to the best means of furthering the export of traffic from that portion of the Union naturally served by the port of Lourenço Marques.

b) With regard to all matters affecting the two Administrations, such as the question of working agreements for rolling stock, trains working, etc., the Director of C. F. L. M. and the General Manager of the S. A. R. Administration shall consult freely and all such matters shall form the subject of agreement from time to time between the respective Administrations.

ARTICLE XV

The Government of the Union of South Africa undertakes if and when the territory known as Swaziland is incorporated in the Union, to request the Railways and Harbours Board of the Union to consider and report upon the question of railway facilities in the territory of Swaziland, including the provision of railway connection with the Portuguese line in the direction of that country.

ARTICLE XVI

Recognising the friendship, and interests, of Mozambique with the Union, the Government of the Union of South Africa undertakes, if and when requested by the Mozambique Government, in any negotiations it may have with any Shipping Company to take such steps as may be reasonable to discuss the position of Lourenço Marques in its relation to the Union as a harbour dealing with import and export traffic of that portion of the Union served by that port.

Customs and commercial intercourse

ARTICLE XVII

The Customs and Commercial intercourse portion of the Convention to be on the following basis:

- 1) Reciprocal most-favoured nation treatment, reserving to the contracting Governments full rights of protection for their own products.
- 2) Admission duty free into the Union of certain specified products of Mozambique in exchange for similar treatment to certain specified products of the Union when imported into Mozambique.
- 3) Freedom of intranist trade.
- 4) Acceptance of overseas values for duty purposes in the case of goods imported into the Union of South Africa ex bond at Lourenço Marques.
- 5) Payments to the Mozambique Government in respect of goods brought by native labourers returning to that Colony from mining industries in the Transvaal.

Miscellaneous

ARTICLE XVIII

The Convention to be in force for a period of ten years from the date of exchange of ratification and shall continue until either Contracting Party gives to the other one year's notice of intended determination: provided however that five years after ratification it shall be open to either Contracting Party to call for a revision of terms, whereupon in default of mutual agreement the Convention shall lapse within six months after notification.

ARTICLE XIX

The Convention contemplated under these articles shall be drawn up and executed in South Africa within a period of four months from the 1st of June, 1928, and shall be operative pending ratification, provided that in the case of unforeseen delay in the conclusion of the Convention existing arrangements, as modified in terms of these Heads of Agreement, shall continue.

ARTICLE XX

Any dispute that may arise relative to the interpretation or the carrying out of the Convention, and that cannot be settled by direct negotiation between the two Governments shall be submitted to arbitration and to this and the Portuguese Government will appoint as referee the Judge President of the Court of Appeal of Mozambique, and the Government of the Union of South Africa will appoint the Chief Justice of the Supreme Court of South Africa. If the judges aforesaid are unable to reach a joint decision they shall together elect an umpire, but if no appointment can be mutually agreed to by them the nomination of the umpire shall be referred to the President of the High Court of International Justice of the Nagus who shall be requested to make the necessary appointment. The procedure shall be *ex-aequo et bono* and in accordance with the submission of terms that shall be agreed upon in respect of each particular case. — J. Bacelar Bebiano — C. W. Malan.

Direcção Geral dos Serviços Centrais

Decreto n.º 15480

A Repartição dos Correios e Telégrafos do Ministério das Colónias, onde se concentram as Administrações Postais, Telegráficas e Radiotelegráficas em que se dividem as oito Direcções dos Correios e Telégrafos Coloniais, carece de uma ampla remodelação a fim de satisfazer cabalmente aos compromissos tomados pelos Congressos Internacionais sobre esses serviços.

Ao Ministério das Colónias, pela sua Repartição dos Correios e Telégrafos, cabe a orientação superior de tudo quanto ao aperfeiçoamento dos mesmos serviços diz respeito, às relações internacionais, o estudo e resolução dos mais importantes problemas da especialidade e finalmente a acção fiscal que o Poder Central para si reserva, nos termos da legislação básica que regula a vida administrativa e financeira das nossas colónias.

Essa orientação — os desenvolvidos estudos a que dá lugar a execução dos serviços dos correios e telégrafos e o expediente próprio, oportuno e consciencioso, consequentes da sua aplicação — é exercida pela Repartição dos Correios e Telégrafos, apenas por três funcionários — um chefe e dois primeiros oficiais adjuntos — que lhe são fixados pela organização vigente do Ministério das Colónias.

Embora não seja este o momento oportuno de modificar serviços de tam grande importância, porque da sua remodelação resultariam, por necessários, maiores encargos financeiros, que as tabelas de despesa tanto do Ministério como das colónias não comportam, o certo é que pode atingir-se, em parte, o fim em vista distribuindo os serviços a cargo da Repartição dos Correios e Telégrafos pelas suas secções por forma mais consentânea com a sua eficiência e atribuindo à mesma Repartição seis funcionários coloniais dos vinte e um que eventualmente podem prestar serviço no Ministério das Colónias, nos termos das leis vigentes, sem que desta elevação do número de empregados resulte qualquer aumento de despesa, antes pelo contrário será ela reduzida pela eliminação desde já dos dois primeiros oficiais adjuntos e que vencem pela tabela de despesa do Ministério das Colónias.

Considerando pois que é de absoluta necessidade dar melhor distribuição pelas secções em que se divide a Repartição dos Correios e Telégrafos aos serviços a seu cargo e dotá-los com pessoal em número por agora considerado indispensável para a execução dos serviços que lhe compete, concedendo-se ao referido pessoal a estabilidade compatível com os interesses e natureza dos serviços;

Considerando que podem ser extintos, desde já, dois lugares de primeiros oficiais adjuntos da Repartição dos Correios e Telégrafos, por se reconhecer serem desnecessários em virtude de a sua substituição se poder fazer, com vantagem para os serviços e apreciável diminuição de despesa, por pessoal do quadro da especialidade na situação de eventual;

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12740, de 26 de Novembro de 1920, por força do disposto no artigo 1.º do decreto n.º 15331, de 9 de Abril de 1928, sob proposta dos Ministros de todas as Repartições:

Hei por bem decretar, para valer como lei, o seguinte:

Artigo 1.º A Repartição dos Correios e Telégrafos do Ministério das Colónias compreende três secções:

§ 1.º À 1.ª Secção (Correios) compete: o estudo dos assuntos relativos aos serviços postais das colónias, a estatística geral dos correios e o expediente das relações internacionais sobre esses serviços.

§ 2.º À 2.ª Secção (Telégrafos) compete: O estudo dos assuntos relativos aos serviços telegráficos, de telefonia e de radiotelegrafia; as estatísticas e o expediente das relações internacionais sobre esses serviços.

§ 3.º À 3.ª Secção (Pessoal) compete: Tudo o que respeita à informação de requerimentos que não envolva matéria de abonos; nomeações, promoções, licenças, colocações, aposentações e demissões que não sejam da competência dos governos coloniais, e à expedição dos respectivos diplomas.

Art. 2.º Da Repartição dos Correios e Telégrafos são eliminados desde já os dois lugares de funcionários adjuntos a que se refere o § único do artigo 49.º do decreto n.º 7029, de 16 de Outubro de 1920.

Art. 3.º Do número de funcionários coloniais que eventualmente prestam serviço no Ministério das Colónias, seis servem, sob proposta do respectivo chefe, na Repartição dos Correios e Telégrafos, devendo três deles ter categoria não inferior a primeiro oficial, não podendo nenhum dos restantes ter categoria inferior a terceiro oficial. Na mesma repartição, além do chefe e destes funcionários, servem somente uma dactilógrafa e um contínuo do mesmo Ministério.

Art. 4.º Aos seis funcionários eventuais a que se refere o artigo anterior é aplicado o disposto no artigo 13.º

do decreto n.º 11376, de 23 de Dezembro de 1925, podendo, por proposta do chefe da repartição, ser reconduzidos no serviço da mesma repartição por períodos de igual tempo.

Art. 5.º Pode, em qualquer tempo, ser dada por finda a comissão eventual a qualquer dos funcionários em serviço na Repartição dos Correios e Telégrafos quando manifestem falta de competência, desisterem pelos serviços, ou falta de assiduidade.

Art. 6.º O chefe da Repartição dos Correios e Telégrafos proporá no prazo de cinco dias, após a publicação do presente diploma, quais os funcionários dos quadros privativos coloniais, presentemente em serviço na mesma Repartição, que devem passar a nova comissão eventual, nos termos do artigo 4.º

Art. 7.º Sempre que no serviço eventual do Ministério das Colónias se encontrem funcionários dos correios e telégrafos coloniais, podem estes ser transferidos para servir na Repartição dos Correios e Telégrafos nos termos deste decreto, mediante informação favorável ou proposta do chefe da referida Repartição, quer para preenchimento das vagas existentes nela, quer para ocupar os lugares que nela estiverem sendo exercidos por funcionários não especializados nos serviços dos correios e telégrafos, e estes irão ocupar os lugares daqueles até terminar o tempo da comissão própria.

Art. 8.º Os funcionários nomeados para dirigir o serviço de qualquer das secções da Repartição dos Correios e Telégrafos vencem como primeiros oficiais dirigindo secções do quadro do Ministério das Colónias, se pelas suas próprias categorias a outra equiparação superior não tiverem direito.

§ único. Os funcionários eventuais a que se refere este decreto vencem como terceiros, segundos e primeiros oficiais ou primeiros oficiais chefes de secção, ou sub-chefes ou chefes de repartição do Ministério das Colónias, conforme a categoria a que forem equiparados, e estes vencimentos são pagos nos termos da parte final do § 4.º do artigo 70.º do decreto n.º 7029, de 16 de Outubro de 1920.

Art. 9.º Fica revogada a legislação em contrário.

Determina-se portanto a todas as autoridades a quem o conhecimento e execução do presente decreto com força de lei pertencer o cumpram e façam cumprir e guardar tam inteiramente como nele se contém.

Os Ministros de todas as Repartições o façam imprimir, publicar e correr. Dado nos Paços do Governo da República, em 16 de Maio de 1928.— ANTONIO OSCAR DE FRAGOSO CARMONA — José Vicente de Freitas — José da Silva Montenegro — António de Oliveira Salazar — Júlio Ernesto de Moraes Sarmiento — Aníbal de Mesquita Guimarães — António Maria de Bettencourt Rodrigues — José Bacelar Beirão — Duarte Pacheco — Joaquim Nunes Meira.

Repartição do Pessoal Civil Colonial

Secção do Pessoal de Fazenda, Alfândegas e Fiscal

Decreto n.º 15481

Tendo o decreto n.º 12675, de 17 de Novembro de 1926, fixado em sessenta anos de idade o limite máximo para o exercício de funções públicas nas colónias, admitindo, no entanto, no seu artigo 2.º que extraordinariamente, depois desse limite, pode ser concedida ainda, por período nunca superior a dois anos, a continuação de exercício num cargo, regalia esta de que já se aproveitou o almoxarife de fazenda de Lourenço Marques, José da Costa Flalho;

Mas, atendendo a que os serviços prestados à colónia de Moçambique pelo mencionado funcionário são rele-

16 DE MAIO DE 1928

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vantes a tal ponto que por motivo deles já foi condecorado com a comenda de Cristo e medalha de ouro de assiduidade;

Considerando que difficilmente se encontrará quem com tanta competência, honestidade e integridade moral possa exercer as funções que há longos anos vem desempenhando o mesmo funcionário e que é pois, sob todos os pontos, justo galardoar condignamente uma vida de tal modo cheia de trabalho probo e idoneidade indiscutível;

Tendo em vista o que propôs o governador geral da colónia:

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta dos Ministros de todas as Repartições:

Hei por bem decretar, para valer como lei, o seguinte:

Artigo 1.º Excepcionalmente e como justa recompensa

dos seus serviços é permitido ao almoxarife de fazenda de Lourenço Marques, José da Costa Fialho, continuar a exercer as suas funções públicas, sem limite de idade, desde que a Junta de Saúde da colónia de Moçambique o considere apto para as exercer.

Art. 2.º Fica revogada a legislação em contrário.

Determina-se portanto a todas as autoridades a quem o conhecimento e execução do presente decreto com força de lei pertencer o cumpram e façam cumprir e guardar tam inteiramente como nelle se contém.

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NEGOCIAÇÕES FELIZES

A forma como foi celebrado o acôrdo com a União Sul Africana sobre o fornecimento da mão de obra indígena para as minas do Rand representa, a nosso ver, um alto serviço prestado ao país. Haverá, decerto, quem entenda que numa ou noutra clausula poderíamos ter obtido ainda mais larga satisfação dos nossos legítimos interesses. Isso apenas traduz da parte de quem assim o julga um sentimento de patriotismo, que pode chegar a parecer exagerado, mas não desdoura quem o manifesta. O proprio sr. governador geral de Moçambique, que conquistou um novo titulo ao reconhecimento e á admiração desta provincia e de todo o país pela intelligencia, perseverança, conhecimento profundo do melhor modo como deviam ser encaminhadas as negociações, de que deu provas, e habilidade com que procedeu em todas as negociações, nos dizia ainda ontem que estava satisfeito com o que se conseguira, embora o seu coração de português desejasse que se tivessem alcançado mais. Compreendemos bem estas palavras, que testemunham também um louvavel sentimento de modestia, visto S. Ex.^a ter sido um dos representantes de Portugal na discussão das bases do acôrdo. Não nos admira, por exemplo, que o distinctissimo colonial tivesse desejado que o pagamento dos salarios vencidos pelos indigenas de Moçambique, durante o periodo em que trabalham nas minas do Transvaal, se fizesse em maior proporção depois do regresso á nossa colonia do que naquella que se estipulou. Mas isso não invalida a opinião de que o acôrdo, no seu conjunto, seja considerado do mais alto valor, não só pelos interesses que nos garante, como pelo reconhecimento leal que nele se contém de todos os nossos direitos de soberania absoluta e mais ainda porque vai abrir, decerto, uma epoca da mais intensa e benéfica colaboração de Moçambique com a poderosa União Sul Africana para o progresso moral e material de todas as regiões que vão desde o Rovuma até ao Cabo.

Começa o acôrdo pelas clausulas que limitam não só o numero dos indigenas que podem ser recrutados para o Rand como as áreas em que esse recrutamento terá de ser feito.

Representam essas clausulas uma conquista valiosa em relação ao que se estabeleceu na Convenção de 1909, em que tais limites não estavam marcados, o que acarretava enormes prejuizos para os indigenas dos distritos do norte, menos aptos para os trabalhos das minas, e para a economia da provincia de Moçambique e desenvolvimento da sua agricultura.

Relacionada com estas disposições figura a que estabelece a limitação dos contratos a um ano, ou, quando muito, a ano e meio pela prorrogação maxima de seis meses, tendo, no fim desse periodo, os indigenas de regressar á provincia e só podendo ser novamente contratados passados, pelo menos, seis meses depois desse regresso. Até agora os nossos indigenas iam-se desnacionalizando cada vez mais, porque grande numero deles residia no Transvaal ha cinco, dez, vinte anos e mais. Daqui por diante tal não poderá succeder. Os indigenas que desrespeitarem esta condição do contrato e não se repatriarem passarão a ser considerados como emigrantes clandestinos, sendo-lhes por isso applicado o respectivo regulamento. Tudo nos

de Ferro da Africa do Sul, no trafego entre a União e as estações do Caminho de Ferro de Lourenço Marques, em ambos os sentidos será regulada por acôrdo entre as duas administrações.

Não ha aqui, pois, coisa alguma que possa ferir os nossos melindres de nação independente e ao contrario tudo se fez com justiça e dentro das normas dum respeito mutuo.

Todos os assuntos relativos a caminhos de ferro serão tratados de igual para igual entre o director do Caminho de Ferro de Lourenço Marques e o dos da Africa do Sul, sendo as conclusões a que chegarem objecto de acordos periodicos das duas administrações, sem interferencia dos respectivos governos, e ainda a União se compromete, quando a Suazilândia se incorporar nos seus territorios, promover a ligação da sua rede ferroviaria com a nossa linha ferrea conhecida por aquele nome, o que será importantissimo para o nosso trafego e para a valorização de riquezas que hoje estão quasi abandonadas.

No mesmo espirito de cordialidade e desejo duma leal cooperação, também a União se obriga, desde que para isso seja solicitada, a empregar os meios que julgue razoaveis em quaisquer negociações que entablarmos com companhias de navegação para manter a posição de Lourenço Marques em relação a União como porto de importação e exportação de trafego proveniente dos territorios da União que esse porto serve.

Uma outra das bases que mais favoravelmente nos impressionou foi a ultima: a que se refere á forma como se hão-de resolver quaisquer divergencias relativas á interpretação ou execução do acôrdo. Será sempre por meio de arbitragem, resolvida pelo presidente da Relação de Moçambique e pelo presidente do Supremo Tribunal da União, escolhendo estes o vogal de desempate no caso de não chegarem a acôrdo e sendo esse vogal de desempate indicado pelo presidente do Tribunal Permanente de Justiça Internacional da Haia, quando também aqueles não se harmonizem na sua escolha. Não pode haver nada mais sério e que maiores garantias ofereça de justiça e imparcialidade.

Só temos, pois, razões para nos felicitarmos pela obra que se realizou. O seu alcance foi realçado pelas nobres e leais declarações repetidas solenemente e com frisante e significativa insistencia pelo chefe da missão da União Sul Africana. Terminou o periodo dos equívocos, das prevenções e das desconfianças em que temos vivido com aquella importante agremiação politica. Agora podemos encarar confiadamente o futuro. Ao lado de Moçambique existe um grande dominio inglês disposto a colaborar connosco num fecundo trabalho de desenvolvimento e de progresso. O futuro da nossa bela colonia da Africa Oriental consolidou-se nas bases mais solidas. Todos os portugueses têm razão para exultar por esse facto.

regresso à nossa colónia do que naquella que se estipulou. Mas isso não invalida a opinião de que o acôrdo, no seu conjunto, seja considerado do mais alto valor, não só pelos interesses que nos garante, como pelo reconhecimento leal que nele se contém de todos os nossos direitos de soberania absoluta e mais ainda porque vai abrir, decerto, uma época da mais intensa e benéfica colaboração de Moçambique com a poderosa União Sul Africana para o progresso moral e material de todas as regiões que vão desde o Rovuma até ao Cabo.

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E' tambem duma grande importancia a cláusula que autoriza as autoridades da provincia a fornecerem passaportes aos indigenas que desejem ir trabalhar para as minas, sem ser preciso para isso a intervenção dos actuaes agentes de recrutamento, cuja associação tem disfrutado ha muitos anos um perigoso monopólio e exercido em toda a provincia um verdadeiro condomínio.

São estas as principais disposições relativas ao trabalho indigena em que, na frase expressiva do illustre governador geral de Moçambique, demos bastante do que podíamos dispôr sem prejuizo e em troca recebemos valiosas compensações.

As restantes bases referem-se, na maior parte, ao porto e caminho de ferro de Lourenço Marques. Nesse capitulo não podiam os negociadores portugueses ter sido mais felizes do que o foram. Desapareceram por completo todas as restrições ao nosso direito de administrar livremente o que legitimamente nos pertence, baniram-se todas as intrusões de elementos estranhos na administração daqueles poderosos factores de fomento da nossa provincia de Moçambique. Essa parte do Convenio, que substituiu o «modus-vivendi» de 1901, foi a que, desde o primeiro dia, suscitou contra ele maior numero de protestos e provoçou criticas mais severas. Felizmente, tudo o que ali se estabeleceu, restringindo a nossa liberdade e o exercicio dos nossos direitos, foi agora eliminado. Fixa-se pela primeira vez a «zona de competência» do Transvaal e respeita-se a percentagem de 50 a 55 por cento que tem estado em vigor no trafego de além mar de importações pelo porto de Lourenço Marques, e a divisão das tarifas entre a Administração dos Caminhos de Ferro de Lourenço Marques e a dos Caminhos

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FROM THE "DIARIO DE NOTICIAS" OF MAY 19, 1928.

Successful Negotiations.

The agreement with the Union of South Africa for the recruiting of native labor for the Rand mines represents, in our opinion, a high service rendered the country. Undoubtedly, there will be somebody who will think that in one or other clauses of the agreement we might have obtained a still larger satisfaction of our legitimate interests. That will only show on the part of whoever may so think, a sentiment of patriotism that may appear to be exaggerated but does not mar who expresses it. The Governor General of Mozambique himself, who has acquired a new title to the recognition and the admiration of that Province and of the whole country for the intelligence, perserverance, deep knowledge of the best way in which to carry on the negotiations, and ability with which he conducted them, told us he was satisfied with what had been obtained, although, as a Portuguese, he might have desired more. We understand quite well these words, which show a praiseworthy sentiment of modesty, since he was one of the Portuguese delegates in the discussion of the bases for the Agreement. It does not surprise us, for instance, that the distinguished colonial should have desired the payment of the salaries earned by the natives of Mozambique, during the period they work in the Transvaal mines, to be made in a larger proportion after their return to our Colony than what was stipulated

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stipulated. But that does not destroy the opinion that the agreement, in its whole, should be considered of the highest value, not only for the interests that are assured to us, but also for the loyal recognition shown thereby with regard to all our rights of absolute sovereignty; and furthermore because it will, without doubt, initiate a period of most intense and beneficial collaboration by Mozambique with the powerful Union of South Africa for the moral and material progress of all the regions comprised between the Rovume river and the Cape.

The Agreement begins by the clauses limiting not only the ^{number} ~~manner~~ of natives which may be recruited for the Rand, but also the areas within which that recruiting shall be made. These clauses represent a valuable gain in comparison with what had been established by the 1909 Convention, by which those limits were not defined, thus causing enormous injury to the natives of the northern districts, who are not so suited for mining work, and to the economy of the Province of Mozambique and the development of its agriculture.

In respect of these provisions, there is one limiting the period of the contracts to one year, or to at most, one year and a half, by a maximum extension of six months, the natives having to return to the province at the end of that period, and can only be contracted again after six months, at least, shall have elapsed after their return. Up to now our natives were getting denationalized more and more, because a great number thereof resided in Transvaal since five, ten, twenty or more years ago. Hereafter this shall not happen. Natives failing to comply with this provision of the contract and do not repatriate themselves, shall be considered

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considered as clandestine emigrants and the Immigrants Regulations shall be applied. Everything leads us to believe that the Government of the Union will use its best efforts with a view to carrying out fully these measures, severely punishing those who refuse to return to their place of origin. It is needless to point out the value of this clause, which will combat the depopulation and improve the social standing of our fine province.

The clause authorizing the Provincial authorities to furnish passports to natives who may desire to go to work in the mines, without the necessity of the intervention of the present recruiting agents, who have enjoyed for many years a dangerous monopoly and a real dominion in conjunction with others over the whole Province, is also of great importance.

These are the main provisions relating to native labor in which, to use the expressive phrase of the Governor of Mozambique, "We have given enough of what we could dispose of without prejudicial reaction and in exchange have received valuable compensations.

The remaining bases refer, for the most part, to the harbor and railway of Lourenco Marques. In this chapter, the Portuguese could not have been more successful than they were. All restrictions to our right of freely administering what legitimately belongs to us, have disappeared, and intrusions of strange elements into the administration of those powerful factors of development of Mozambique have been banished. It was that part of the Convention, which replaced the modus vivendi of 1901, that originated so many protests

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protests and caused the most severe criticism. Fortunately everything that was provided therein, limiting our freedom and the exercise of our rights, was not abolished. For the first time, the so-called "competitive area" of Transvaal is established, and the percentage of 50 to 55 percent that has been in force in the sea-borne goods traffic through the port of Lourenco Marques is respected; and the division of tariffs between the Administration of the Lourenco Marques railways and the South African Railways in the matter of the traffic between the Union and the stations of the Lourenco Marques railway, shall be regulated by virtue of agreement between both administrations.

There is nothing, therefore, here that can hurt our feelings as an independent nation, but on the contrary, everything was carried out with justice and within the rules of a mutual respect.

All matters relative to railways shall be treated between the Director of the Lourenco Marques and the Director of the South African Railways, and the conclusions reached shall be the subject of periodical agreements between the two administrations without the interference of the respective governments; and the Government of the Union still undertakes, when the territory known as Swaziland is incorporated in the Union, to promote the connection of its railway system with our railway known by that name, which is very important for our traffic and for the valorization of much wealth which is almost abandoned today.

The same spirit of cordiality and desire for a loyal cooperation, the Union also undertakes, when requested, to use all means deemed reasonable in any negotiations with shipping companies to maintain the position of Lourenco

Marques

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Marques in its relation to the Union as a harbor for import and export of traffic originating from the territories of the Union served by that harbor.

One other of the bases which most favorably impressed us was the last one, viz: the one referring to the manner in which any differences of opinion relative to the interpretation or execution of the Agreement. It shall be solved always by arbitration, decided by the President of the Court of Appeal of Mozambique and by the President of the Supreme Court of the Union, who will elect an umpire in the case of inability to reach a joint decision. And if those judges cannot mutually agree in the appointment of that umpire, it shall be left to the President of the Permanent Court of International Justice at the Hague to do so. There can be nothing more serious and offering more guarantees of justice and impartiality.

We can only, therefore, congratulate ourselves for the work done. Its importance was set forth by the noble and loyal statements solemnly repeated, and with seasonable and significative insistence by the Chief of the Mission from the South African Union. The period of equivocalation of preoccupations and of distrust in which we have lived with that important political organization has come to an end. We can now face the future with confidence. At the side of Mozambique there is a great British dominion willing to collaborate with us in productive work of development and of progress. The future of our fine colony of East Africa has consolidated itself on a most solid basis. Every Portuguese has reasons to rejoice over that event.

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DOCUMENT FILE

NOTE

SEE 853.00 P. R./13 FOR Despatch #2305

FROM Portugal (Dearing) DATED May 31, 1928
TO NAME 1-1127 GPO

REGARDING: Convention between Portugal and South Africa.
Bases for,- signed on May 15th at Foreign Office.

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It will also be published in the official gazette of France

CONVENTION BETWEEN PORTUGAL AND SOUTH AFRICA:

The bases for the new Convention between the Province of Mozambique and the Union of South Africa were signed on the 15th at the Foreign Office, there being present, aside from the members of the two delegations, the Minister for Foreign Affairs, the Minister of the Colonies, and high officials of the Foreign Office. The documents were signed by the Minister of the Colonies, on behalf of the Portuguese Government, and by Mr. Malan, on behalf of the Government of the Union. The negotiations will be continued within the agreed bases, as regards details, by the Governor General of Mozambique, on behalf of that Colony, after his arrival there.

A banquet was offered to the Portuguese Government and to the Portuguese delegates by the South African delegation. at the toast, Mr. Malan is quoted by the newspapers as having said the following: "I am acquainted with the fact that it has been stated that the South African Union has certain intentions concerning Mozambique. I wish, however, to point out that the Union does not maintain any reserved intentions; and to have my words made public." Continuing he said: "The work of Portugal and of the Union, although with the same object, has to be carried out independently. Besides, both countries have an ample field in which to exercise their activity without necessity to in mix into the affairs of their neighbors."

The mission that came to Lisbon to negotiate the Convention as well as the Governor of Mozambique, left on the 21st for South Africa, aboard the steamship ARMADALE CASTLE.

The text of the bases for this Convention which was published in the "Diario do Governo" of May 16th, in Portuguese and in English, is enclosed with despatch No. 2305, of May 29th. It will also be published in the official gazette of Tran.

DEPARTMENT OF STATE
DIVISION OF WESTERN EUROPEAN AFFAIRS

June 28, 1928

Mr. Manning:

I wish to call to your attention this extremely good and timely despatch from Hinkle regarding the Portuguese-South Africa Convention. The despatch analyzes the background and probable effects of the Convention in a very sound and thorough fashion and sums up most satisfactorily the essential information regarding this most important Convention both from the political and economic point of view. Aside from being a much needed and very useful addition to the Department's files, I believe that much of the information will be of distinct interest and usefulness to the Commercial Office, the Department of Commerce and perhaps to other bodies.

I have rated the despatch "Excellent".

*I concern. I think it is
in two parts of relations that
our people under both political
and commercial training have
an advantage over the Dept
of Commerce men JEM*

Excellent
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Convention.
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the full terms
between Portugal
received in this
on May 18 at Lisbon
and Mr. Hahan,
recent itself needs
covered by the Portu-
authority to sign on
next step in the
up of a Convention

which will be signed in Cape Town sometime before October 1, 1928 as provided for by the agreement. While these negotiations are in progress the Portuguese decree of May 21, 1927 curtailing the recruitment of natives in Mozambique will be suspended. Colonel Cabral as well as the South African mission have already sailed for Cape Town where it is expected that the work of drafting the

-details-

FILED
JUL 18 1928

Scanned on Efficiency Records

In quintuplicate.

No. 21.

AMERICAN CONSULATE,

Lourenço Marques, Portuguese East Africa,

May 22, 1928.

SUBJECT: Agreement for a New Mozambique Convention.

1-1055

THE HONORABLE

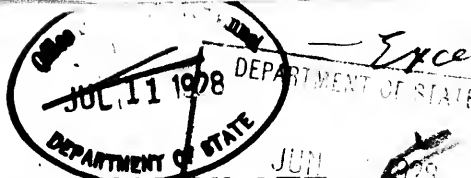
THE SECRETARY OF STATE,

WASHINGTON.

SR: JUL 2 1928
DEPARTMENT OF STATE
ASSISTANT SECRETARY OF STATE

I have the honor to report that the full terms of an agreement toward a new Convention between Portugal and the Union of South Africa have been received in this Province. This agreement was signed on May 10 at Lisbon by acting Minister of Colonies, Mr. Bebianco, and Mr. Malan, Union Minister of Railways. The agreement itself needs no further ratification as it was approved by the Portuguese cabinet, Mr. Malan having full authority to sign on behalf of the Union Government. The next step in the negotiations will be the actual drawing up of a Convention which will be signed in Cape Town sometime before October 1, 1928 as provided for by the agreement. While these negotiations are in progress the Portuguese decree of May 21, 1927 curtailing the recruitment of natives in Mozambique will be suspended. Colonel Cabral as well as the South African mission have already sailed for Cape Town where it is expected that the work of drafting the

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TREATY DIVISION

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DEPARTMENT OF STATE

July 23, 1928

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details of the various points in agreement will begin shortly.

The present terms are most general in accordance with the title of the document itself, "Heads of Agreement for the purpose of drawing up a Convention". The subjects under this agreement fall under four captions. A brief summary of each is as follows:

1. Matters affecting natives.

The recruiting of Portuguese natives to be carried on from the same areas as heretofore but on contracts of twelve months with the option of renewal for six months. No native may be recruited within six months after his return to the colony. The maximum number of Portuguese natives working on the mines to be reduced to 80,000 within 5 years after the convention. Half of the contract rate of pay for each native during the final three months of his initial contract and during all of the renewal period to be deferred and paid out to the native only after his return home.

2. Port and Railway Matters.

50 to 55 percent of the import traffic for the area known as the Transvaal competitive area to be handled through Lourenço Marques. The exports of products through Lourenço Marques from that portion of the Union naturally serving the port to be stimulated by applying railway rates on a mileage basis similar to those to other parts in the Union. The question of the Swaziland railway to link up the Goba line with the South African railway to be considered as soon as Swaziland is incorporated in the Union.

3. Customs and Commercial Intercourse.

Certain specified products as well as the in-transit trade to be admitted into the Union free of duty, and vice versa.

4. Miscellaneous.

The Convention to be in force for a period of 10 years and to be drawn up by October 1, 1928. Both parties upon the failure of direct negotiations to arbitrate points in dispute arising from the interpretation of the Convention.

-Pessimistic-

-3-

Pessimistic Attitude of the Press.

NOT TO BE PUBLISHED AS
OFFICIAL INFORMATION

The local and South African press have lost no time in assuming the defensive and in expressing their dissatisfaction over the agreement. Both sides claim that their demands have been sacrificed in order to reach some compromise. The motives for this attitude are clearly those expressed by the Johannesburg STAR: "On the whole, Mr. Malan's mission must be regarded as disappointing in its results, and no effort must be spared to secure such alteration in the final draft of the Convention as will be possible in the direction of more favorable terms for the Union". However, this studied dissatisfaction is good proof that a working agreement has finally been reached. The CAPE TIMES takes the fairest outlook when it says: "The agreement has been 6 years in coming, and now that it has arrived it is not likely to be received with acclamation. It is, in fact, the very type of mechanical compromise arising out of hard bargaining on both sides. No one, certainly, will be fully satisfied - which is perhaps prime facia evidence of the documents substantial fairness.....the cause for grumbling is as slight as the grounds for glee".

Change of Union Attitude Toward the Port of Lourenço Marques.

The negotiators have so skilfully modified their respective demands that it is difficult to emphasize any

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feature of the compromise. However, the section dealing with the Port and Railways is undoubtedly the key note to the agreement in that it represents a radical change of policy on the part of the Union Government. Negotiations for a Convention broke down last year with their demands for a predominating share in the control of the port and railways administration of Lourenço Marques. The Union is now prepared to recognise this port as the natural outlet for the Transvaal without demanding direct supervision of the port administration to assure good maintenance and customs safeguards. Section A of Article 14 does provide for an Advisory Board for the facilities of the export trade of the port. However, this board is to be established and controlled by the Mozambique Government. Section B of the same article provides for a free discussion of all matters affecting the two railway administrations.

The old policy of the Union to freeze out the port in favor of Union ports has been discontinued with the guarantee, as under the old Convention, of 50 to 55 percent of the incoming traffic of the competitive area of the Transvaal. For exports through Lourenço Marques the same railway rates per mile as from the Transvaal area to other Union ports will apply to Lourenço Marques.

Recruitment of Mozambique Labor.

The much discussed native labor situation has undergone little change. The Portuguese demanded that 50

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percent of the native's pay while on the mines be deferred until after his return home. In this way, it was hoped to increase the purchasing power of the country. They also demanded a substantial reduction of the number of natives on the mines for development work at home. These demands were partly fulfilled. At present there are from 100,000 to 110,000 Mozambique natives on the mines. These will be reduced in five years to 80,000 which will mean a loss of at least 25,000 laborers to the Rand. The South African press which a month ago maintained that the mines could find labor elsewhere by lifting the embargo on natives north of latitude 22° south, now deplores the situation of having to secure 25,000 additional laborers. It is true that the Rand mines are constantly increasing in the number of natives employed and the outlook with even a small gradual reduction from the present number presents considerable difficulty. It is the largest concession of the Union in the agreement.

Under the terms of deferred pay to the natives the traders on the Rand will undoubtedly experience some loss of business. However, Treasury officials here are not inclined to place the amount of money brought in by the natives under the deferred pay system over what it is at present without the system. Although 12 1/2 percent for the first 12 months period and 50 percent for the last six months is allotted under the agreement as deferred pay, this percentage is based on the rate contracted with the native before he enters the Rand.

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This rate is 1/6d per day. In reality the native receives considerably more than this, sometimes as high as 2/6d per day. The percentage of deferred pay over the total native wage will therefore be considerably lower than 12 1/2 percent. At present the amount brought in by natives as additional purchasing power is estimated between £400,000 and £450,000.

While the deferred payment system will not add to the purchasing power of the country, it will give the Mozambique Government a definite figure to work on in estimating the actual amount of additional purchasing power secured through native recruitment. .

A Good Bargain for Mozambique.

It was known that any agreement precluding foreign intervention or control over the port of Lourenço Marques would be unacceptable to the Portuguese. The terms therefore of the agreement/cannot be regarded as a surprise. The Portuguese have been successful in using their supply of native labor as a trump card in driving a good bargain with the Union toward securing the economic future of their port and the southern part of the Province. As compared with their previous position, the Portuguese have gained on every count. It is extremely doubtful whether enough additional capital will enter the country in the next ten years to necessitate the use of all its native labor. Although Portuguese officials are reticent in commenting on the terms until they have been clarified

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and details drawn up, the business men are outspoken in admitting satisfaction. They attribute the success of the negotiations to the policy of General Hertzog as opposed to the policy of General Smuts and the South African Railway Administration under Sir William Hoy.

Advantages to the Union.

The chief gain for the Union in the agreement is the continuance for at least ten years of the recruitment on a limited scale of Mozambique native labor which is needed on the Rand mines. The other advantage, while helping the Transvaal, may handicap Union ports. For the three years ended 1927 the Union exported and sold in Mozambique goods to the value of £939,092, whereas Mozambique sold to the Union goods to the value of £654,668. Being the Transvaal's best customer, the prosperity of Mozambique is therefore linked with that of the Union. The Portuguese point out that whereas the Union railways have been a considerable source of expense to the public in the system of freezing out the port of Lourenço Marques, the present arrangement will allow the Transvaal to secure the full benefit of such a nearby outlet as Lourenço Marques. While this is true, the resulting loss of traffic for Port Elizabeth and particularly Durban must be taken into account.

-Prosperity-

-8-

Prosperity Dependent on Amicable Relations.

After seven years of business depression since the lapsing of the old Convention, British interests here anticipate a period of prosperity which has been denied the port through political unrest and a feeling of distrust between the two countries. The opening of a branch office in Lourenço Marques of the largest firm of shipping agents in South Africa, (Parry, Leon and Hayhoe,) is no small indication of British confidence that the Convention will increase the amount of traffic through the port.

It is too early and the terms of the agreement too general to formulate any definite forecast as to their actual affect on such problems as tonnage of the port, stabilization of the currency, foreign loans, internal development, etc. The details of the Convention are still to be worked out by the negotiators and will offer considerable latitude for bargaining during the next few months. However, the chief obstacle, that of working together on a basis of friendly understanding, has been disposed of. The modified demands of the Union dealing with Mozambique as an equal sovereign state have already done much to allay Portuguese fear of foreign intervention. It is not so much that the Union could or would take steps toward actual intervention, but rather that the Portuguese have been acutely conscious that such ideas were harbored in the Union. The negotiators for South Africa in their protestations of friendship for Mozambique have not ignored

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this psychological factor. The present agreement has satisfied Portuguese pride and should go a long way to establishing a workable system between the two countries.

I have the honor to be, Sir,

Your obedient servant,

Eugene M. Hinkle.

Eugene M. Hinkle,
American Vice-Consul in Charge.

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Enclosures:

1. Text of Agreement for a Convention.
2. Press Clippings.

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Enclosure No. 1.

TEXT OF "HEADS OF AGREEMENT FOR THE PURPOSE OF DRAWING UP
A CONVENTION ACCEPTED BY THE ACTING MINISTER OF COLONIES
OF THE PORTUGUESE REPUBLIC AND THE MINISTER OF RAILWAYS
AND HARBOURS OF THE UNION OF SOUTH AFRICA ON BEHALF OF
THEIR RESPECTIVE GOVERNMENTS", SIGNED AT LISBON ON MAY 15, 1928.
Matters Affecting the Natives.

Article I. The Portuguese Government will authorise the recruiting and subsequent repatriation of Native labor within the territories of the Colony of Mozambique under its direct administration for employment in the gold and coal mining industries of the Transvaal Province of the Union of South Africa upon such terms and conditions and in accordance with such facilities and arrangements as have heretofore been observed, saving in so far as these conditions may be modified by the contemplated Convention, provided no recruiting shall be authorised in the area north of Latitude 22° South, and provided further, that as far as is reasonably practicable no native previously employed on the mines shall be engaged within a period of six months from the completion of such antecedent contract.

A Portuguese official will undertake the functions of Curator of Portuguese natives in the Union of South Africa, and will have in respect of such natives the powers and authorities of consular officers, and in addition any powers and authorities that may be conferred on him by the Convention in the fulfilment of its clauses.

Article II.

The number of Portuguese natives at present employed in Transvaal mines shall be progressively and proportionately reduced during the five years succeeding the signature of the Convention to the maximum complement of 80,000.

-Article III-

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Article III.

The contracts of Portuguese native laborers shall not extend for a longer period than 12 months (313 shifts), but such laborers may re-engage themselves or extend their contracts for a further period or periods up to an additional six months (156 shifts). The maximum period of service shall not in any case exceed 18 months.

Article IV.

It shall be a condition of the recruitment of Portuguese native laborers that one half of the contract rate of pay during the final three months of the initial term of contract, and during any period or periods of re-engagement shall be retained as deferred pay, and shall be paid out only in the Colony of Mozambique upon the return of the laborers to their homes.

Article V.

Portuguese native laborers who upon the termination of their services in the Transvaal mines, whether they entered the Union under passport or obtained passports in the Union from the Curator, thus legalising their position, fail to return to the Colony of Mozambique shall be regarded as clandestine residents of the Union of South Africa, and in this connection the provisions of the Immigrant Regulation Act shall be applied; provided that in order to meet special cases it shall be competent for the Curator after consultation with the Union Department of Native Affairs, to postpone or dispense with the requirement of this Article. Any Portuguese native who can be identified as such within the Union

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and who is not in possession of a valid current Portuguese pass shall be regarded as a prohibited immigrant.

Article VI.

Fees and payments to an amount to be agreed upon shall be due by Native laborers and employers as specified in the Convention.

Article VII.

Assets in the estates of all Portuguese natives employed on the mines, together with any compensation money due in respect of such natives, shall, where the heir or beneficiary cannot be traced, be handed to the Portuguese authorities for exclusive application to the welfare of the native population of Mozambique.

Article VIII.

When by arrangement between the Native Affairs Departments of the contracting powers the Mozambique authorities provide for the emigration of natives who wish to proceed to employment on the mines without the intervention of any recruiting agency, a special passport shall be brought into use, but the number of such natives shall fall within the quota prescribed in Article II.

Article IX.

Upon the expiration of the Convention, the terms of Article V shall apply in respect of all Portuguese natives then employed in the Transvaal mines, and the Curator shall continue his functions pending the repatriation of such natives.

-Port-

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Port and Railway Matters.

Article X. (a)

The Government of the Union of South Africa agrees to secure to the Caminho de Ferro de Lourenço Marques administration a percentage of the seaborne traffic equal to that at present imported through the port of Lourenço Marques for that portion of the Transvaal known as the Transvaal Competitive area, viz., from 50 to 55 percent, detailed arrangements to be arrived at between the two Governments. Seaborne goods and traffic shall exclude traffic for the civil, military and railway authorities.

(b) The division of railway rates between the Caminho de Ferro de Lourenço Marques administration and the South African Railways administration on traffic carried between Union and Caminho de Ferro de Lourenço Marques stations in both directions shall be regulated by arrangements made between both administrations in terms of the Convention.

Article XI.

If six months after the Convention is set in force, or in successive periods of six months, it is verified that the percentage tonnage of seaborne traffic conveyed via the Lourenço Marques route for the Transvaal Competitive Area is in excess of or lower than the percentage referred to in Article X, then, in the case of the former the South African Railways administration, and in the case of the latter the Caminho de Ferro de Lourenço Marques administration, shall

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have the right to claim the necessary adjustments, detailed arrangements to be agreed upon by the respective administrations.

Article XII.

Unless otherwise mutually agreed upon between the Caminho de Ferro de Lourenço Marques administration and the South African Railways administration, the rates on traffic consigned from the South African Railways stations to Lourenço Marques for export overseas beyond South or South-West Africa shall be based on the railway traffics prescribed for export traffic carried like distances within the Union to any Union port, and such rates shall be divided between the two administrations on the mileage basis, after terminal allowances to each administration have been deducted from the rates. Charges of all descriptions at the port of Lourenço Marques for shipping and other services on such traffic shall not exceed the lowest charges on similar traffic exported through any Union port.

Article XIII.

The parties to the Convention agree not to take steps or to introduce measures likely to nullify the arrangements arrived at.

Article XIV. (a)

Recognising the desirability of promoting exports through the port of Lourenço Marques it is agreed in principle that an Advisory Board shall be established by the Government of Mozambique whose function shall only be to consider and advise as to the best means of furthering

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the export of traffic from that portion of the Union naturally served by the port of Lourenço Marques.

(b) With regard to all matters affecting the two administrations, such as the question of working agreements for rolling stock, train working etc, the Director of the Caminho de Ferro de Lourenço Marques and the General Manager of the South African Railways administration shall consult freely and all such matters shall form the subject of agreements from time to time between the respective administrations.

Article XV.

The Government of the Union of South Africa undertakes if and when the territory known as Swaziland is incorporated in the Union to request the Railway and Harbor Board of the Union to consider and report upon the question of railway facilities for the territory of Swaziland including the provision of a railway connection with the Portuguese line in the direction of that country.

Article XVI.

Recognising the friendship and interests of Mozambique with the Union, the Government of the Union of South Africa undertakes if and when requested by the Mozambique Government in any negotiations it may have with any shipping company to take such steps as may be reasonable to discuss the position of Lourenço Marques in its relation to the Union as the harbour dealing with the import and export traffic of that portion served by that port.

-Customs-

-7-

Customs and Commercial Intercourse.

Article XVII.

The Customs and Commercial intercourse portion of the Convention is to be on the following basis: (1) Reciprocal most favored nation treatment, reserving to the contracting Governments the full rights of protection of their own products; (2) Admission duty free into the Union of certain specified products of Mozambique in exchange for similar treatment of certain specified products of the Union when imported into Mozambique; (3) Freedom of in-transit trade; (4) The acceptance of overseas values for duty purposes in the case of goods imported into the Union of South Africa from bond at Lourenço Marques; (5) Payments to the Mozambique Government in respect of goods bought by native laborers returning to that Colony from the mining industries of the Transvaal.

Miscellaneous.

Article XVIII.

The Convention is to be in force for a period of 10 years from the date of the exchange of ratification, and is to continue until either contracting party gives the other one year's notice of its intended termination, provided, however, that five years after ratification it shall be open to either contracting party to call for a revision of the terms, whereupon, in default of mutual agreement, the Convention shall lapse within six months after notification.

-Article XIX-

-8-

Article XIX.

The Convention contemplated under these Articles shall be drawn up and executed in South Africa within a period of four months from 1st June, 1928, and shall be operative pending ratification provided that in the case of unforeseen delay in the conclusion of the Convention the existing arrangements as modified in terms of these heads of agreement shall continue.

Article XX.

Any dispute that may arise relative to the interpretation or carrying out of the Convention and that cannot be settled by direct negotiations between the two Governments shall be submitted to arbitration, and to this end the Portuguese Government will appoint as referee the Judge-President of the Court of Appeal of Mozambique, and the Government of the Union of South Africa will appoint the Chief Justice of the Supreme Court of South Africa.

If the Judges aforesaid are unable to reach a joint decision, they shall together elect an umpire, but if no appointment can mutually be agreed upon by them, the nomination of an umpire shall be referred to the President of the High Court of International Justice, the Hague, who shall be requested to make the necessary appointment. The procedure shall be *ex aequo et bono* and in accordance with the submission of terms that shall be agreed upon in respect of each particular case.

July 23, 1928

Eugene M. Hinkle, Esquire,
American Vice-Consul in Charge,
Lourenço Marques,
Mozambique, Africa.

Sir:

The Department is gratified to inform you that your despatch No. 21, dated May 22, 1928, relative to the new Convention between Portugal and the Union of South Africa has received a rating of EXCELLENT. The despatch analyzed the background and probable effects of the Convention in a sound and thorough fashion and summed up most satisfactorily the essential information regarding this most important convention, both from the political and economic point of view. Aside from being a much needed addition to the Department's files it is of distinct usefulness to other interested Departments of the Government.

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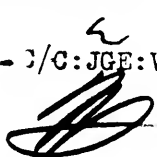
I am, Sir,

Your obedient servant,

For the Secretary of State:

NELSON TRUSLER JOHNSON

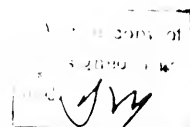
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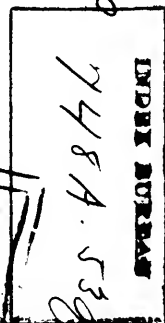
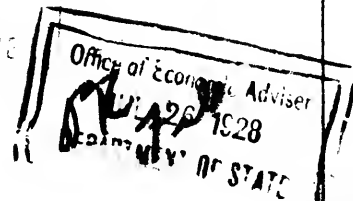

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July 21, 1928.
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ORIGINAL

Voluntary.



In Quintuplicate.

REACTION TO TERMS OF AGREEMENT FOR
PROPOSED MOZAMBIQUE CONVENTION.

From Consul General:

Ralph J. Totten
Ralph J. Totten.

Cape Town,
South Africa. Date of Preparation: June 15, 1928.
Date of Mailing: June 22, 1928.

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HISTORY OF NEGOTIATIONS.

Comment has been made from time to time in the Monthly Political Reviews regarding the points at issue between the Union of South Africa and Mozambique, and their failure to come to an agreement as to terms for the renewal of the Mozambique Convention.

The former Mozambique Convention was denounced by South Africa in 1922, because, according to the former Government, the railway and port of Lourenco Marques could not efficiently handle its share of the overseas traffic of the Transvaal. The principal features were (1) permission for the recruiting of Mozambique natives for labor in the mines and on farms in South Africa, (2) a scale of freight rates that would give Lourenco Marques a certain set share of the traffic from the Transvaal to a sea port as compared with the South African ports, and (3) certain reciprocal tariff arrangements. Unsettled political conditions in Portugal and in Mozambique, and the general election with a change of Government in South Africa made negotiations difficult, but in October, 1925, the Prime Minister, accompanied by several members of his Cabinet, went to Lourenco Marques for the purpose of coming to an agreement with the officials of the Colony as to terms for a new Convention. It is understood that the demands of the Portuguese were so unexpected that the Union delegation left for Pretoria the day after their arrival, with the more or less indefinite announcement that negotiations would be resumed at Pretoria in November. This meeting never came about.

In December, 1926, General Hertzog visited Lisbon on
his

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his way back to South Africa from the Imperial Conference, it being well understood that his visit was for the purpose of preparing the ground for an agreement. Later it was announced that there was to be a conference between the officials of the Union and Mozambique about June 10, 1927. This conference did not take place and on June 23, a Reuter's message from Lisbon reported that negotiations between the Union and Portugal had failed for a commercial treaty and a Mozambique Convention.

About this time the officials of Mozambique published the draft of regulations greatly limiting the number of natives from Portuguese territory for labor in South Africa, reducing the length of time of the labor contracts and in general so changing conditions that it would have upset the Transvaal mines completely if enforced. They gave as their reasons for this drastic measure that their native labor was needed for the economic development of the Colony; that the native was losing his respect for Portuguese sovereignty; and, that as he earned and spent his wages in the Union he was no longer an asset to the Colony.

The general belief in the Union, however, was that the proposed regulations were a "bluff" for the purpose of forcing the Union's hand in the matter of better railroad rates to Lourenco Marques and of other points at issue.

Various reports of proposed conferences were heard but nothing came of them until in April, 1928, Mr. C.W. Malan, Minister of Railways and Harbors of the Union, left for Lisbon. The Minister arrived at Lisbon on

May

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May 4, and on May 15, an agreement was signed giving
the terms for a new Mozambique Convention.

Points

-5-

Points at Issue. There is no certainty as to the exact nature of all points at issue between the two countries as very little of the correspondence and conversations during the last few years has been made public. It is generally understood, however, that the Union has been trying to get (1) unlimited right of recruiting Portuguese native labor, (2) control of, or at least a share in, the administration of the railway to and the port of Lourenco Marques, and (3) certain tariff concessions in addition to free entry for transit freight.

The Colony's demands were (1) adjustment of freight rates from the Transvaal to the sea, so as to give Lourenco Marques a specific share of the overseas traffic as compared with Durban and other South African ports, (2) certain tariff concessions, and (3) some arrangement by which the Colony would get some return for the use of their natives. In addition to this they fiercely resented any thought of the slightest control by South Africa of the railway and harbor administration.

General Smuts, leader of the Opposition, who is looked upon with suspicion and dislike by the people of Mozambique, is believed to have desired that the Government should fail in its negotiations for a new Convention. His speeches and writings on the subject were threatening in tone and did much to keep the resentment of the Portuguese alive.

Main

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Main Points
of Agreement.

The main features of the Agreement signed
in Lisbon on May 15 were as follows:

The facilities and arrangements for the recruiting
of natives in Mozambique except north of parallel latitude
22 degrees south, to remain as before, unless modified by
the contemplated Convention. There is to be an interval
of six months before a native who has completed a contract
can be re-engaged. A Portuguese official will be appoint-
ed as curator of Mozambique natives on the mines with
Consular powers and authority.

The duration of contracts will be twelve months,
which can be extended for six months, or the native can
re-engage himself, but the total period of the contract
must not exceed 18 months.

The maximum complement of Mozambique natives on the
mines to be 80,000.

Half of each native laborer's pay during the final
three months of his initial term of contract is to be re-
tained as deferred pay and paid out to him on his return
to Mozambique.

Natives who fail to return to Mozambique at the con-
clusion of their contract and who are found in the Union
will be treated as prohibited immigrants and be subject
to the Immigration Regulation Act. The same will apply
in the event of the expiration of the Convention.

Fees and rates of pay to be specified by the Con-
vention.

With regard to Port and Railway matters, the Union
agrees to secure to the C.F.L.M. a percentage of the sea-
borne traffic for the Transvaal competitive area equal to
the

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the present importations through Lourenco Marques. The division of all railway rates to be regulated by arrangements between the two Administrations. The rates on Union goods sent to Lourenco Marques for export shall not exceed the lowest charges on similar traffic exported through Union ports.

If and when the Union takes over Swaziland consideration is to be given to the question of railway facilities in that territory, including the provision of a connection with the Portuguese line.

Under the heading of Customs and Commercial intercourse, the agreement provides for: Reciprocal, most favored nation treatment; admission duty free into the Union of certain specified products of Mozambique in exchange for similar treatment extended to the Union; free in-transit trade. Goods from bond in Lourenco Marques are to be admitted into the Union at overseas values for duty purposes.

On the subject of the Convention, the agreement provides that it shall be in force for ten years from the date of its ratification by both Governments and shall continue subject to one year's notice on either side. Revision of its terms may be called for after five years from the ratification date. Then, in default of mutual agreement, the Convention shall lapse after six months' notification.

Any dispute relative to interpretation or carrying out of the Convention that cannot be settled by direct negotiation shall be submitted to the arbitration of the Chief Justices of the Union and the Judge-President of

the

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the Court of Appeal of Mozambique. If they cannot agree, they are to appoint an Umpire.

Reaction

-9-

Reaction in
South Africa.

The South African Government is undoubtedly pleased with the success of the Minister of Railways and Harbors in getting an expression of the terms upon which a Convention can be drawn. The present Government is rather anti-capitalist and although well aware that the prosperity of the country is largely dependent on the successful operation of the mines, they are not quite as zealous in looking out for the interests of the mines as the South African Party would be. Under these circumstances the Government's main thought was to come to some sort of an agreement almost regardless of the terms. It is believed that General Smuts was anxious for political reasons to prevent an agreement and this added to the Government's desire for success.

The Minister, Mr. Malan, showed in the tone of his speech in Lisbon on May 17th that he considered that his mission had been a complete success. He spoke of the close relations between the Union and Mozambique, denied any ulterior motives on his country's part, either political or economic, and declared that the Union's policy was one of cooperation and assistance rather than any attempt at dominance. He ended by expressing the opinion that the Agreement just signed would assist by clearing away misunderstandings.

In answer to criticisms of the Agreement made by General Smuts on the floor of Parliament on May 30th., General Hertzog asked the leader of the Opposition if he would rather have had no agreement at all with Portugal than the agreement which they now had. He admitted that the Portuguese authorities might have gone out of their way a

little

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little to meet the Union's viewpoint, but said that undoubtedly a much better spirit prevailed to-day than was the case a year ago and therefore a far better chance for compromise and cooperation. He argued that 80,000 Portuguese natives was practically all that was needed and that this limitation would be to the advantage of the Union in that there would be more work for the native population of the Union.

The Prime Minister's question put to General Smuts to a certain extent expresses his opinion, that is that it is far better to have an agreement of any sort than to have none at all. In addition to this feeling that any agreement is better than none they are pleased at the discomfiture of General Smuts and are glad to be able to point to having made an arrangement where none seemed possible one year ago, in other words a diplomatic success of sorts.

The Opposition. The South African Party in general is more or less spoken of as the capitalistic party, and as such is keenly interested in the successful operation of the mines. Most of those with whom I have talked, although disposed to criticise anything accomplished by the Government, seem to be glad that the basis for a Convention has been found.

In the case of General Smuts, the leader of the party, there is no doubt that he has a certain amount of personal feeling in the matter. He apparently does not like the Portuguese, a feeling which is fully reciprocated, and he would love to be able to point to a failure by his political opponents. He has done much in the past in the way of

veiled

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veiled threats to antagonize the people of the Colony and to make an agreement difficult. On May 30th he brought up the question of the Agreement in Parliament. He said the proposed terms in general followed the lines of the Convention of 1909, but that in almost every particular where a change had been made it was to the disadvantage of the Union and in favor of Mozambique. He said that Lourenco Marques was already getting more of the Union's import and export traffic than she could handle satisfactorily and that this was the reason the old Convention had been denounced. He claimed that the gold mines needed a minimum of 110,000 native laborers, the coal mines about 15,000 and the farmers about 10,000, a total of 135,000 to be met with by the restricted maximum of 80,000 according to the Agreement. He criticised the deferred pay clause, called attention to the fact that no mention had been made of a Joint Board to deal with railway matters and to the fact that the Advisory Board mentioned in the Agreement was to be only to help Lourenco Marques get her full share of the traffic, and, ended up by saying that the Union was paying far too high for the Agreement and that in almost every respect it looked as if the Union was a beaten party.

The Press. The CAPE TIMES in an editorial on May 17, said of the Agreement that it was "the very type of mechanical compromise arising out of hard bargaining on both sides." In other words that each had bought its minimum successes by larger sacrifices on other points, instead of having met in a spirit of compromise trying to
give

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give each all of the important things they desired. The paper went on to say that while in the main it is a sensible Agreement there is as little cause for glee as there is for grumbling, but that it is no small thing at this late date to have secured an Agreement at all, therefore Mr. Malan and the Government are to be congratulated. This is most significant coming from the TIMES which not only seldom finds anything to praise in the acts of the present Government but spends most of its time looking for things to criticise.

DIE VOLKSBLAD, an Afrikaans language, Nationalist Party paper, published in Bloemfontein, in a leading article suggests that there is plenty of idle native labor in the Union, the Rhodesias and other British territory, and suggests that a careful study of the situation would probably show that with proper methods and regulations there would be more than sufficient labor for the mines and also the farms, and that the number of imported natives could thus be gradually reduced.

On the Rand. The principal mining men on the Rand have refused to make a statement for publication regarding the terms of the Agreement. Business men in general, however, claim that it will mean a considerable monetary loss to Johannesburg and district, first because the reduction in the Portuguese labor force from 105,000 to 80,000 will mean a decrease in the amount of wages earned and spent by about £750,000, per year, and, second, because the deferred pay clause will mean that some £600,000 additional money earned in the district will not be spent there

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there but in Portuguese territory. The comment on the clause regarding a guarantee of 50% to 55% of the Transvaal traffic is that it is no change from existing conditions. It is estimated that about 50% of the overseas traffic of the Transvaal normally goes via Lourenco Marques, so that this only makes permanent an established economic condition. Serious fault is found, however, with the fact that nothing is said in the Agreement about the present arrangements for free entry of returning laborers without customs examination. The present arrangement is that each returning native pays to the Portuguese customs 7s.6d. and is then permitted to enter with a normal bundle of personal effects and purchases. If this arrangement is not renewed and full duty is charged returning natives on all purchases made in the Union, it is believed that it will result in a large reduction in merchant's sales.

Altogether the opinion of merchants, business men and other on the Rand is that the Portuguese have scored a diplomatic victory, and have gained economically, financially and psychologically.

In Other In East London business men and others are
Parties. reported to have expressed their satisfaction with the general terms of the Agreement. They do not believe it will affect East London as a port and hope that the restriction as to number of imported native laborers will lead to the employment of a greater number of Union natives. They approved of the principle of deferred pay and expressed the desire that it may be extended to the case of Union natives employed in the mines.

At

-14-

At the annual meeting of the Port Elizabeth Chamber of Commerce the terms of the Agreement were condemned as prejudicial to the interests of the Union as a whole. A speaker said that the country had £147,000,000, invested in the railways and harbors and that everything should be done to throw traffic to them rather than to a foreign railway and port. He disapproved of the customs arrangements and various other of the terms. He said that there were five or six million natives in the Union, many of whom were unemployed, and that he did not think it would be difficult to get 100,000 men for the mines. The Chamber adopted a resolution condemning the terms of the Agreement.

The Reaction
in Mozambique.

During the first few days after the terms of the Agreement were known the tone of the Mozambique newspapers was rather unfavorable but later they became more inclined to see virtues instead of faults. IMPARCIAL, in an issue of about May 19, said that the terms of the Agreement more or less embodies the principal demands of public opinion. NOTICIAS, of the same date, said that the deferred pay clause was ridiculous as the native ordinarily sends home voluntarily more than this. IMPARCIAL, in a later issue, agreed to this claim. BRADO AFRICANO, a Portuguese weekly which publishes a section in the native language and is regarded as the spokesman of the natives, in its issue of May 27, rather thought the Portuguese had overreached themselves in limiting the number to 80,000. The paper held that there was not enough work in the colony

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colony to take care of the excess in the native population and that, therefore, the increase in the supply of local labor would decrease the pay and lead to exploitation of the native.

This view is supported by a statement made by the Colony's Secretary of Native Affairs to the effect that there were some 200,000 natives available for general labor and that the local demand, even in exceptional years, seldom exceeded 24 to 30 thousand.

Later the tone of the newspapers became a more optimistic. IMPARCIAL, in its issue of May 27, again called attention to its contention that the amount of deferred pay was too small and said that at least it should be based on the native's actual earnings at the time of computing rather than the initial contract pay. It ended, however, by agreeing that, while they had not obtained all that they wanted regarding native labor, they had at least secured advantages in other parts of the Agreement.

The LOURENCO MARQUES GUARDIAN, which is published in the English language, has been favorably inclined, almost enthusiastic, in regard to the Agreement from the very first. In a leading article, the GUARDIAN, after discussing the various features of the Agreement, makes the following observation:

"Of far greater importance is the fact that the authorities of both countries have reached a point when they thoroughly understand each other and realise that the development and prosperity of both can be extended substantially by practical mutual action. This has been
the

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the missing factor for years. The negotiations have been a success, because both sides have employed real common sense, and these have earned the grateful thanks of people both here and in the Union."

Colonel Cabral, Governor General of Mozambique, summed up the situation as follows:

"We give our surplus labor for which we receive valuable compensations; and, on the other hand, in regard to the railway, we give nothing and only obtain advantages."

There is no doubt but that in spite of the fault finding of the press concerning certain particulars the majority of intelligent people and business men are highly pleased over the terms of the Agreement and are optimistic concerning the future. They feel that the Colony has gained greatly by the Agreement and that there is a positive promise of increased business and prosperity for Lourenco Marques.

Recapitulation.

-17-

Recapitulation. To summarize the South African Government feels that Portugal has driven a hard bargain and has in some ways scored a diplomatic victory but that it is better to have an agreement on any reasonable terms rather than none at all. Also they feel a certain amount of satisfaction in having succeeded where the former Government failed and thus having scored over General Smuts. The mining interests feel that a certainty of 80,000 Portuguese natives for work on the mines is far better than uncertainty or the complete prohibition of recruiting in the Colony. Business men and merchants fear financial loss due to the reduction in total number of natives employed and the deferred pay plan. The general public are rather glad to have the matter settled but look upon it as more or less of a diplomatic victory for the Portuguese.

The people of Mozambique are pleased and very optimistic as to the terms of the Agreement and the future effect it will have on the prosperity of the Colony.

The native, whose desires were never consulted and who is only a pawn in the game, is inarticulate, but, to judge by statements in BRADO AFRICANO, which may give a reflection of his reaction; he would like to be permitted to work in the mines or on the farms or not at all according to regulations made without his consent by the whites.

To the onlooker it would seem that in a game of "bluff" the Portuguese, having little to lose and much to gain, were able to hold out longer and have, therefore, scored a decisive victory over the South Africans by

which

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which they get almost everything they hoped for and give almost nothing in exchange. At the same time it appears that in their efforts to drive a hard bargain they have overreached themselves in limiting the total number of native laborers to 80,000. According to their own officials there are some 200,000 laborers available of which total they can only use about 25,000 unless outside capital takes up the economic development of the Colony, and it would seem to be to their interest to have the Union use as many of the surplus native laborers as possible because of the money sent back to their families and the deferred pay brought back into the country.

Source of Information:

Newspapers of South Africa and Mozambique.

Conversation with Officials and Business men.

Personal observation.

800.

(Original and 4 copies to Department of State,)
(Washington, D.C. United States of America.)
(1 Copy to American Embassy, London, England.)

DOCUMENT FILE

NOTE

SEE 853M.00/11 FOR Despatch #52
FROM Lawrence Marques (Hinkle) DATED July 30, 1928
TO NAME 1-1157 GPO

REGARDING: Agreement for new convention between Portugal and Union of South Africa, signed at Lisbon on May 16, 1928.

Of outstanding importance during the quarter was the agreement for a new convention between Portugal and the Union of South Africa signed at Lisbon on May 16. (See despatch May 23, 1928, entitled "Agreement for a New Mozambique Convention"). The text of the terms of this agreement appeared shortly thereafter in the press and were subsequently published on June 23 in the Boletim Oficial of this province.

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Office of Economic Affairs
OCT 11 1928
DEPARTMENT OF STATE

Lisbon, Portugal.

No. 2397.

September 18, 1928.

DEPARTMENT OF STATE
DIVISION OF
WESTERN EUROPEAN AFFAIRS
TREATY DIVISION
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DEPARTMENT OF STATE

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OCT 5 1928

DEPARTMENT OF STATE
OCT 8 1928
ASSISTANT SECRETARY OF STATE

INDEX RECORDED
948A.539/87
OCT 16 1928
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The Honorable

The Secretary of State,
Washington, D.C.

Sir:

OCT 5 1928
I have the honor to refer to the Legation's despatch No. 2303 of May 29, 1928, reporting that negotiations had been arranged for drawing up a Convention between Mozambique and the Union of South Africa, and to inform the Department that the Treaty was made and has been signed on September 11 in Johannesburg.

Congratulations were exchanged between the British Charge d'Affaires in Lisbon and the Portuguese Minister for Foreign Affairs, and have been published conspicuously in the Portuguese newspapers.

While appreciating that our Consul in Johannesburg is doubtless reporting fully on the subject, I have the honor to give forthwith a summary of the chief features of the Convention, as given in the local press, modifying them in one or two respects by details taken from the London TIMES.

I recently asked the Foreign Office to supply me with information

as to

- 2 -

as to this Treaty, but as no reply has been received, and as the present month is the height of the vacation season at the Foreign Office, this despatch is based on press sources.

The terms on which the "Treaty" was drafted are those of the bases previously fixed, all the subjects having been set out in detail.

The contingent of native laborers which at present in the Union is about 132,000, shall be reduced to 100,000 in 1929, and thereafter at an annual reduction rate of 5,000 until 1933.

The sum to be paid by each native for a passport shall be 10 shillings, and 5 shillings for a renewal. The employers shall pay a monthly tax of 2 shillings for each native, plus 1 shilling for the registration of each contract or re-contract.

The total of the payments provided for in the preceding paragraph shall not be less in any year than 35 shillings.

The recruiting shall be made by persons selected by the two governments.

Deferred payment shall operate after the first nine months and continue for the remaining three months of the original contract and the entire period of re-engagement, which in no circumstances shall exceed six months. According to the London TIMES, the sum of 1 shilling per shift will be retained from each native's earnings during this period and be paid to him in Mozambique when he returns. According to the local press, the average deferred salary payments are estimated at 2 shillings for each native.

The sums held in deposit in the Bank of Johannesburg to the order of the trustee, shall be paid by the representatives of the mines in the departments of emigration of Ressano Garcia or at any other chosen place.

The

- 3 -

The interest on the sums held, likewise the other sums delivered, shall be applied to the benefit of the natives.

All the authorized discounts on the salaries of the natives, including the payment of taxes to the government, shall be made solely upon the unheld portion.

The so-called "lei da tísica" of the miners is applicable to the natives, even after their return to Mozambique. The duties incumbent upon the trustee have been all fully detailed, and all necessary assistance shall be rendered him by the government of the Union.

The zone of competency, in respect of the railway, was fixed in the map attached to the Convention.

Readjustment of the percentages shall be made by the two railway administrations. No tariffs for new line of the Union or alterations of the present tariffs shall be made without previous consultation with Lourenco Marques.

The products of the soil of Mozambique shall enjoy in the Union a treatment similar to that enjoyed by those from the latter.

Three representatives of the Commerce, Agriculture and Industry of the Union of South Africa shall form part of the consultive body referred to in base XIV of the Convention, established in Mozambique.

The terminal taxes are thereby assured and included in the tariffs. Traffic shall follow always the shortest way. Mozambique products, such as rice, tobacco, oligogenous products, potatoes, vegetal coal, bark, onions, wax, cocoa, cocoa mernel, dry beans, sisal fiber, raw fruits, timber, mandioca, vegetal oils, except cotton, fish, skins, hides,

- 4 -

hides, oliagenous seeds, except manobi, tapioca; are exampt from the payment of duties. Likewise, products from the Union, such as live animals, horses, mules, lanigerous, caprine; sulphuric acid, fertilizers, shrubs, etc.

No special treatment was fixed in respect of the baggage of the natives, which remains subject to the ordinary regime.

Various provisions bind the two governments to the promulgation of the measures necessary for the enforcement of the Convention, and to an agreement not to take any measures with a view to nullifying or diminishing the effects thereof. The Convention is understood to be in force from the date of the respective signatures.

The TIMES' article says that no essential change in the commercial side of the treaty, which provides that the port of Lourenco Marques shall secure from 50 to 55 percent of the commercial sea-borne goods traffic imported from oversea into the stipulated competitive area covering the population centre of the Transvaal. In addition, an advisory board is being set up by the Mozambique Government, on which the Union Government will be represented, to consider the best method of encouraging the export trade from the Union through Lourenco Marques.

The Convention shall run for ten years, but be terminable after five years.

The TIMES reports from Johannesburg that the agreement is not regarded there as important on the commercial side, and that disappointment is being expressed that the Government of South Africa did not obtain more satisfactory returns in respect of native labor. The Article also says that the reduction of number of natives of Mozambique employed in the Transvaal mining industry is calculated to be under the new agreement

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agreement 25,000; and that unless this deficiency is made up recruitment from some source outside of Portuguese territory, the effect may be serious; and that sufficient natives within the Union will not be available for the mining industry unless they can be obtained by inducement at the expense of other industries. The leading Lisbon papers have been alluding to the negotiations and now to the signed treaty in a tone of satisfaction.

I have the honor to be, Sir,

Your obedient servant,

Wm. Whiting Andrews

WM. WHITING ANDREWS
charge d'Affaires ad interim.

In Quintuplicate.

NO. 287.

AMERICAN CONSULATE GENERAL

Cape Town, South Africa.

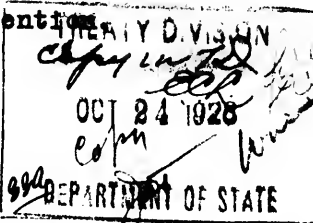
DEPARTMENT OF STATE

OCT 1 1928

DIVISION OF

WESTERN EUROPEAN AFFAIRS

SUBJECT: New Mozambique Convention



THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON

SIR:

I have the honor to refer to my Report of June 15, 1928, "Reaction to Terms of Agreement for Proposed Mozambique Convention" (File No. 800), in which I gave an outline of the terms made by Mr. C. W. Malan, the Union Minister of Railways, at Lisbon, for the framing of a new Convention.

The date for the conference between delegates of the Union and Mozambique was set for August 20, 1928, and the place the administrative capital of the Union, Pretoria, Transvaal.

The Portuguese delegates were His Excellency the Governor-General of Mozambique (Colonel José Cabral), Colonel S.A. Carneiro (formerly Director of the Lourenco Marques port and railway, who has come out specially from Lisbon for the negotiations), Dr. José de Almáido (who has also come from Lisbon for the negotiations), Senhores Augusta Cabral (Director of Native Affairs), Marino Da Fonseca (Director-General of Customs), Prata Dias (Acting Director

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of the port and railways of Lourenco Marques) and Joas Correia Mendos (Chief of the Tariffs, Fiscal and Statistical division of the railways).

The Government of the Union of South Africa was represented at the negotiations by the Minister of Finance (Mr. N. C. Havenga), the Minister of Mines (Mr. F. W. Beyers), and the Minister of Railways and Harbors (Mr. C. W. Malan).

The Conference began work on August 20, and concluded on September 11, upon which last date the new Convention was signed. The text of the Convention was issued to the Press on September 12th and published in full in the official Gazette of September 17, 1928.

The Convention in its main features followed very closely the terms of the Lisbon Agreement as given on pages Nos. 6 and 7, of the above mentioned report.

The clause regarding the reduction of the total number of Portuguese natives in South Africa to a maximum of 80,000 within five years, that is by December 31, 1933, which has been so generally criticised and opposed in the Union as being some 30,000 less than its labor needs, has been retained in the Convention. It is reported, however, that the Portuguese officials have agreed that if at any time there remained a surplus of native labor in Mozambique after the South African quota, and the labor needs of the Colony had been supplied, and excepting a
certain

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certain percentage of those just having completed a labor contract and considered entitled to a rest period, this surplus could be recruited for labor in South Africa.

The clause regarding deferred pay for the Portuguese natives was retained and the Convention provides that all deductions from the wages for advances made to them before employment and for fees due to the Mozambique Government shall be taken out of the wages for the first nine months so as not to interfere with that part of the employment period during which one-half of the pay is to be held up and paid on the native's return to the Colony. A Portuguese official is to be the Curator at Johannesburg for all Portuguese natives in the Union who will have the status of a consular officer with respect to Portuguese natives.

In regard to the percentage of traffic via the Port of Lourenco Marques; railway and port charges; railway connections to Swaziland; etc., the Convention adheres to the exact terms of the Agreement.

One of the most important concessions gained by the Portuguese is that contained in Article XXXIV, which provides that the railway rates from stations in the Union to Lourenco Marques on goods for export to overseas points beyond South or Southwest Africa shall in no case exceed the rates for similar traffic carried like distances to any Union port for export.

This

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This prevents railway rates discriminating against Lourenco Marques as have been in operation in the past. The South African Railways have had equal or lower rates on oranges, etc., from the eastern Transvaal to Cape Town than to Lourenco Marques, although the haul was three or four times longer.

In connection with customs administration the Convention provides for reciprocal, most favored nation treatment of the products and manufactures of the two countries, excepting on the part of the Union the preferences accorded to Great Britain, the Dominions, the British Colonies, Southern Rhodesia and the Protectorate; and on the part of Mozambique, the preferences granted to Portugal and Portuguese possessions; and permits the levying of dumping duties by either country in the interest of an established industry in that country.

The Convention provides for free entry of the following products of Mozambique into the Union:

Beans, dried,
Beeswax,
Coconuts,
Copra,
Fish, fresh or frozen,
Fruits, fresh,
Hides and skins, raw,
Kaffir corn, in the grain,
Mangrove bark and extract,
Manioc in the root, manioc flour and
manioc starch,
Millet, in the grain,
Oilcake and oilmeal, for stock food,
Oils, vegetable (except from cotton-seed),
Oilseeds (except ground-nuts),

Onions ..

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Onions, not preserved,
Potatoes,
Rice,
Sisal fibre,
Tapioca,
Timber, rough-sawn, including mine
props and railway sleepers,
Vegetable charcoal,

The following products of the Union are admitted
free of duty into Mozambique:

Animals for breeding purposes - all
kinds,
Animals, living, viz.: horses, mules,
sheep and goats,
Asbestos,
Barley, in the grain,
Butter, fresh,
Cheese,
Coal,
Explosives,
Fertilizers,
Fish, fresh or frozen,
Fruits, fresh,
Fodder and lucerne,
Fowls and ducks, living,
Hides and skins, raw,
Oats, in the grain or crushed, and
oatmeal,
Onions, not preserved,
Plants, and trees for planting,
Potatoes,
Seeds for sowing,
Sulphuric acid,
Vegetables, fresh.

As will be seen both lists include virtually only
the natural products of the two countries and in most
cases, except those items which appear on both lists,
they are things produced in the one country, but not
in the other. Those items appearing on both lists are
for the most part food stuffs produced in the winter in
tropical Mozambique and in the summer in the highlands

of

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of the Transvaal and in which the trade fluctuates according to the season.

The only articles which might be considered as internationally competitive are vegetable oils, railway sleepers, explosives, fertilizers and sulphuric acid and it is not believed that any of these are really of great importance.

Comments on Convention:

The publication of the terms of the Convention was received with mixed feelings in the Union.

General Hertzog, the Prime Minister, has expressed the opinion that any Convention at all is better than none as it has re-established friendly relations between the Union and Mozambique and is a basis for future co-operation between the two countries. This may be considered as expressing the views of the Government in general.

The mining interests, while probably glad to have the certainty of a part of their labor needs, claim to be disappointed at not having unlimited recruiting privileges. Actually they feel that they will be able to keep up to their requirements by the elasticity of the surplus stipulation and by other means.

Commercial organizations and merchants are generally against the terms of the Convention. The presidents of the Associated Chambers of Commerce, the Federated Chamber

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Chamber of Industries and the Johannesburg Chamber of Commerce have each made statements to the effect that the terms are unsatisfactory. They disapprove of the following features: the reduction of the number of natives for work on the mines because of its effect on this most important industry and because there will be less pay to be earned and spent; the plan of deferred pay which will further diminish the amount of money spent in the Union; the giving to the port of Lourenco Marques 50% to 55% of the railway and port traffic to the so-called competitive area; and, the failure to include the provision by which natives returning to Mozambique could bring in personal baggage up to 60 kilograms free of duty or examination by the payment of 7^s/6d. each. In regard to this last provision under the old Convention the Union Government paid this sum of 7^s/6d. per head for natives returning from the mines. As this provision has not been renewed it is presumed that the effects of the returning natives will be subject to customs examination and that the natives will have to pay duty on all merchandise purchased in the Union, thus causing them to refrain from buying other than absolute necessities during the last part of their stay in the Union.

The port cities, Cape Town, Port Elizabeth, East London and Durban, but especially the last named, are unanimous in condemning the allocation to Lourenco Marques of 50 to 55 per cent of the import traffic to the specified area. The Durban Chamber of Commerce

protested

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protested strongly against this provision of the Agreement and the President of the Chamber made the following comment after the fact became known that their protests had been unavailing:

"It is certainly not equitable, nor in the interests of the Union, that the foreign port of Lourenco Marques should have all the advantages of a Union port and, in addition, the privileged position of being guaranteed a large percentage of the traffic to the competitive area without any obligations".

The RAND DAILY MAIL was in general disposed to accept the Convention favorably. It said that with the program of development in Mozambique they must use more and more natives each year until finally South Africa's supply would be curtailed without warning, while now a gradual decrease is announced and the mines are able to take measures in advance to meet the situation. It said further that co-operation between the Union and Portuguese Africa would open new fields and benefit both.

The Johannesburg STAR claimed that Mozambique had got the better of the bargain all along the line, but that the prosperity of the mines was of such vital importance to the whole country that all other disadvantages must be accepted in order to safeguard their labor supply.

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A study of the Convention would indicate that the opinion expressed in my Report of June 15, 1928, was justified, that is that the Portuguese had succeeded in getting their way in almost every instance. In practically every particular in which there has been a change from the old Convention the Portuguese have gained thereby. The Union can only claim the moral victory of getting a Convention at all where no agreement seemed possible two years ago; of being assured of 80,000 laborers where the entire supply might easily have been cut off; and, from the Government standpoint, of the satisfaction of succeeding where the former government failed.

Far and away the most important feature of the Convention from the Portuguese viewpoint would seem to be contained in Article XXXVI, which, as mentioned above, provides for equal railway rates for equal distances on exports for Lourenco Marques and Union ports. This permits Lourenco Marques to compete on equal terms with the ports of the Union and forbids the directing of exports to Cape Town or Durban by putting a prohibitive rate on merchandise from the Transvaal to the Portuguese border.

Altogether it is believed that the officials and business men of Mozambique are entirely satisfied with the successful termination of the negotiations.

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I have the honor to be, Sir,

Your obedient servant,

Ralph J. Totten

Ralph J. Totten,
American Consul General.

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500.

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Enclosure:

Full text of Convention.
(Government Gazette Extraordinary)
(No. 1728, Vol. LXXIII, Pretoria -)
(September 17, 1928.)

(Copy to Embassy, London.)

(Enclosure in Despatch No. 287, dated Cape Town, September 24, 1928, File)
(No. 800 & 500, - Subject: "New Mozambique Convention".)



BUITENGEWONE

Staatskoerant

VAN DE UNIE VAN ZUID-AFRIKA.

THE UNION OF SOUTH AFRICA

Government Gazette

EXTRAORDINARY.

UITGEGEVEN OP GEZAG.

PUBLISHED BY AUTHORITY.

VOL. LXXIII.] PRIJS 6d. PRETORIA, 17 SEPTEMBER 1928. PRICE 6d. [No. 1728.
17TH SEPTEMBER,

*Die Proklamasies, Goewerments en Algemene Kennisgewings, gepubliseer vir die eerste keer, word gemerk met een * in die opperlinkerhoek.*

*All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.*

DEPARTEMENT VAN BUITELANDSE SAKE.

Die volgende Goewermentskennisgewing word vir algemene informasie gepubliseer.

H. D. J. BODENSTEIN,
Sekretaris van Buitelandse Sake.
Departement van Buitelandse Sake, Pretoria.

No. 1597.] [17 September 1928.

Die Konvensie aangegaan op die 11de September 1928, tussen die Regering van die Unie van Suid-Afrika en die Regering van die Portugese Republiek vir die reëling van die invoer van Naturelle werkers uit die Kolonie Mosambiek, Spoorwegaangeleenthede en die Handelverkeer tussen die Unie en Mosambiek, word hierby vir algemene kennisgewing gepubliseer.

CONVENSIË AANGEGAAN TUSSEN DIE REGERING VAN DIE UNIE VAN SUIDAFRIKA EN DIE REGERING VAN DIE PORTUGESE REPUBLIEK.

Die Regering van die Unie van Suidafrika (hierna verder genoem "die Regering van die Unie") en die Regering van die Portugese Republiek (hierna verder genoem "die Portugese Regering"), begerig om die inkom van Naturelle-werkers uit die Kolonie Mosambiek na die Provinsie Transvaal, Spoorwegaangeleenthede en die Handelsverkeer tussen die Unie van Suidafrika (hierna verder genoem "die Unie") en die Kolonie Mosambiek (hierna verder genoem "Mosambiek") te reël het besluit om vir die doel 'n Konvensie aan te gaan en het as volvoortwoordigers daartoe aangestel, te weten:—

Die Regering van die Unie:

Die Edelagbare Nicolaas Christiaan Havenga, L.V., Lid van die Uitvoerende Raad en Minister van Finansies van die Unie;
Die Edelagbare Charl Wynand Malan, L.V., Lid van die Uitvoerende Raad en Minister van Spoorweë en Hawens van die Unie; en
Die Edelagbare Fredrik William Beyers, K.C., L.V., Lid van die Uitvoerende Raad en Minister van Mynwese en Nywerheid van die Unie.

DEPARTMENT OF EXTERNAL AFFAIRS.

The following Government Notice is published for general information.

H. D. J. BODENSTEIN,
Secretary for External Affairs.
Department of External Affairs, Pretoria.

* No. 1597.] [17th September, 1928.

The Convention entered into on the 11th day of September, 1928, between the Government of the Union of South Africa and the Government of the Portuguese Republic regulating the introduction of Native labourers from the Colony of Mozambique, Railway matters and Commercial intercourse between the Union and Mozambique is hereby published for general information.

CONVENTION BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE GOVERNMENT OF THE PORTUGUESE REPUBLIC.

The Government of the Union of South Africa (hereinafter called "the Union Government") and the Government of the Portuguese Republic (hereinafter called "the Portuguese Government"), being desirous of regulating the introduction of native labourers from the Colony of Mozambique into the Province of the Transvaal, Railway Matters, and the Commercial Intercourse between the Union of South Africa (hereinafter called "the Union") and the Colony of Mozambique (hereinafter called "Mozambique"), have resolved to enter into a Convention for that purpose and have appointed as their Representatives to that end, that is to say:—

The Union Government:

The Honourable Nicolaas Christiaan Havenga, M.L.A., Member of the Executive Council and Minister of Finance of the Union;
The Honourable Charl Wynand Malan, M.L.A., Member of the Executive Council and Minister of Railways and Harbours of the Union; and
The Honourable Fredrik William Beyers, K.C., M.L.A., Member of the Executive Council and Minister of Mines and Industries of the Union;

CONVENÇÃO ENTRE O GOVERNO DA REPÚBLICA PORTUGUESA E O GOVERNO DA UNIÃO DA ÁFRICA DO SUL.

O Governo da República Portuguesa (ao deante chamado Governo Português) e o Governo da União da África do Sul (ao deante chamado Governo da União) animados do desejo de regular a emigração de indígenas da Colônia de Moçambique para a Província da Transvaal, assim como assuntos de caminhos de ferro e de intercâmbio comercial entre a Colônia de Moçambique (ao deante chamada Moçambique) e a União da África do Sul (ao deante chamada União) resolveram celebrar uma convenção para os ditos fins e nomearam seus Representantes para esse efeito a saber:

O Governo Português:

O Senhor José Ricardo Pereira Cabral, Tenente Coronel de Cavalaria, Governador Geral de Moçambique;
O senhor Carlos de Sá Carneiro, Coronel de Engenharia, antigo director dos Caminhos de Ferro de Lourenço Marques;
O Bacharel José d'Almada, Sub-Director Geral do Ministerio das Colonias;

BY *James E. Primm* DATE *7/21/65*

Die Portugese Regering:

Senhor José Ricardo Pereira Cabral, Luitenant-kolonel van die Ruitery, Goewerneur-Generaal van Mosambiek;

Senhor Carlos de Sá Carneiro, Kolonel van die Sjenie, voormalige Direkteur van die Spoorweë van Lourenço Marques; en

Senhor José d'Almada, LL.D., Onder Direkteur-Generaal van die Ministerie van die Kolonies.

Wat, na oorlegging van hul respektiewe volmagte, wat in goeie en behoorlike vorm bevonde is, as volg ooreengekom het:—

DEEL I.

NATURELLE ARBEID.

ARTIEKEL I.

Die reëlings vervat in Deel I van hierdie Konvensie is van toepassing op die aanwerving vir, en op die indiensneming op, die Goud- en Steenkoolmyne van die Provinsie Transvaal van die Unie (hierin verder "die Myne" genoem) van Naturelle uit die grondgebied van Mosambiek, ten suide van die 22ste graad Suiderbreedte, onder direkte Staatsbeheer (hierin verder "Portugese Naturelle" genoem).

ARTIEKEL II.

Die Portugese Regering magtig die aanwerving voormeld en die latere repatriasie van die Portugese Naturelle ooreenkomstig die terme en voorwaardes en in ooreenstemming met die regulasies tesame met enige wysigings daarvan bestaanbaar met Artikel LIII, fasiliteite en skikkings soos in werking en werklik nagekom op die 16de dag van Mei 1928, insover as sodanige terme, voorwaardes, regulasies, fasiliteite en skikkings aldus in werking en nagekom sake is wat onder kontrole val van een van die Regerings en insover as hulle nie deur hierdie Konvensie gewysig word nie.

ARTIEKEL III.

Die getal van Portugese Naturelle wat op 16 Mei 1928 op die Myne werksaam was, sal verminder word tot 'n maksimum aantal van 80,000 binne die vyf jaar volgende op die datum van hierdie Konvensie, as volg:—

Op die 31ste Desember—

| | |
|------|---------|
| 1929 | 100,000 |
| 1930 | 95,000 |
| 1931 | 90,000 |
| 1932 | 85,000 |
| 1933 | 80,000 |

ARTIEKEL IV.

Die aanwerving van Portugese Naturelle binne die grondgebied van Mosambiek vir diens in die Myne, die toewysing van hierdie Naturelle aan die Myne en hulle repatriasie na die Portugese Grens na afloop van hulle kontrakke, sal toevertrou word aan een of meer organisasies wat behoorlik deur beide die Regering van die Unie en die Regering van die Kolonie van Mosambiek (hierin verder genoem "die Regering van Mosambiek") goedgekeur is.

ARTIEKEL V.

Die aanwerving van Portugese Naturelle sal alleen toegelaat word aan persone in diens van 'n organisasie waarna verwys is in Artikel IV (hierin verder genoem "die Werf-organisasie") aan wie die Regering van Mosambiek 'n werf-lisensie toegestaan het geldig vir een jaar en vernubaar vir tydperke van een jaar op die volgende voorwaardes:—

- Teen betaling van 'n jaarlikse belasting van £100 (eenhonderd pond sterling) vir elke lisensie;
- na storting van die bedrag van £100 (eenhonderd pond sterling) by die Tesourie (Caixa do Tesouro) te Lourenço Marques aan die order van die Departement van Naturellesake, as 'n waarborg;
- op 'n skriftelike verklaring van die aplikant vir die lisensie waarby hy onvoorwaardelik onderneem om al die bepalinge van hierdie Konvensie en van die regulasies, waarna verwys is in Artikel II, betreffende die werwing en emigrasie van Naturelle van krag in Mosambiek, na te kom;
- dat die lisensie persoonlik is en nie oordraagbaar nie, en dat dit heet is dat een persoon 'n ander sal vervang in die verrigting van die werksaamhede waartoe die houer onder die lisensie geregtig is;

The Portuguese Government:

Senhor José Ricardo Pereira Cabral, Lieutenant-Colonel of Cavalry, Governor-General of Mozambique;

Senhor Carlos de Sá Carneiro, Colonel of the Engineers, formerly Director of the Railways of Lourenço Marques; and

Senhor José d'Almada, LL.D., Under-Director-General of the Ministry for the Colonies;

Who, having communicated their respective powers, found in good and due form, have agreed as follows:—

PART I.

NATIVE LABOUR.

ARTICLE I.

The arrangements set out in Part I of this Convention apply to the recruitment for and to the employment on, the Gold and Coal Mines of the Transvaal Province of the Union (hereinafter termed "the Mines") of Natives from the territories of Mozambique, south of latitude 22 degrees South, under direct State Administration (hereinafter termed "Portuguese Natives").

ARTICLE II.

The Portuguese Government authorizes the recruiting aforesaid and the subsequent repatriation of the Portuguese Natives upon the terms and conditions and in accordance with the regulations (together with any amendments thereof consistent with Article LIII) facilities and arrangements in operation and actually observed as at the 16th day of May, 1928, in so far as such terms, conditions, regulations, facilities, and arrangements (so in operation and observed) are matters under the control of either Government, and in so far as they are not modified by this Convention.

ARTICLE III.

The number of Portuguese Natives who were employed in the Mines on the 16th May, 1928, shall be reduced to a maximum complement of 80,000 within the five succeeding years from the date of this Convention, as follows:—

On the 31st December—

| | |
|------|---------|
| 1929 | 100,000 |
| 1930 | 95,000 |
| 1931 | 90,000 |
| 1932 | 85,000 |
| 1933 | 80,000 |

ARTICLE IV.

The recruitment of Portuguese Natives within the territories of Mozambique for employment in the Mines, the allotment of these Natives to the Mines, and their repatriation to the Portuguese Frontier at the expiration of their periods of contract, shall be entrusted to an organization (or organizations) duly approved by both the Union Government and the Government of the Colony of Mozambique (hereinafter termed "the Government of Mozambique").

ARTICLE V.

The recruitment of Portuguese Natives shall only be permitted to employees of an organization referred to in Article IV (hereinafter termed the Recruiting Organization) to whom the Government of Mozambique has granted a recruiting licence valid for one year and renewable for yearly periods under the following conditions:—

- On payment of an annual tax of £100 (one hundred pounds sterling) for each licence;
- on deposit of the amount of £100 (one hundred pounds sterling) with the Treasury (Caixa do Tesouro) at Lourenço Marques to the order of the Department of Native Affairs as a guarantee;
- upon a written declaration by the applicant for the licence, undertaking unreservedly to fulfil all the provisions of this Convention and of the regulations referred to in Article II relating to native recruiting and emigration in force in Mozambique;
- that the licence be personal and non-transferable and that it be prohibited to substitute one person for another in the performance of the functions to which the licence entitles its holder;

o o Governo da União:

O Honourable Nicolaas Christiaan Havenga, Membro da Assembleia Legislativa, Membro do Conselho Executivo e Ministro das Finanças da União;

O Honourable Charl Wynand Malan, Membro da Assembleia Legislativa, Membro do Conselho Executivo e Ministro dos Caminhos de Ferro e Portos da União; e

O Honourable Fredrik William Beyers, Conselheiro do Rei, Membro, da Assembleia Legislativa, Membro do Conselho Executivo e Ministro das Minas e das Industrias da União;

Os quaes depois de terem comunicado os seus respectivos poderes, que acharam em boa e devida forma, concordam no seguinte:

PARTE I.

TRABALHO INDIGENA.

ARTIGO I.

As disposições da Parte I desta Convenção regulam o recrutamento e o emprego nas minas de ouro e de carvão da Província do Transvaal (ao deante chamadas as Minas) de indigenas dos territorios de Moçambique sob a administração directa do Estado, ao sul do paralelo de 22 graus latitude sul (ao deante chamados Indigenas Portuguezes).

ARTIGO II.

O Governo Português autoriza o referido recrutamento e a subsequente repatriação dos indigenas portuguezes, nos termos dos regulamentos em vigor á data de 16 de Maio de 1928 e das alterações neles introduzidas que não contrariem o disposto no Artigo LIII, e em harmonia com as condições, facilidades e acordos igualmente em vigor áquella data, no que depender da acção dos Governos de Moçambique e da União e no que não fôr alterado por esta Convenção.

ARTIGO III.

O numero de indigenas portuguezes empregados nas minas em 16 de Maio de 1928 será reduzido ao contingente maximo de 80,000 nos cinco anos seguintes á data desta Convenção, pela seguinte forma:

Em 31 de Dezembro de—

| | |
|------|------------|
| 1929 | a 100,000. |
| 1930 | a 95,000. |
| 1931 | a 90,000. |
| 1932 | a 85,000. |
| 1933 | a 80,000. |

ARTIGO IV.

O recrutamento de indigenas portuguezes nos territorios de Moçambique com destino ás minas, a distribuição destes indigenas pelas minas e a sua repatriação até á fronteira portugueza, terminados os periodos de contrato, ficarão a cargo de uma entidade, ou entidades, devidamente aprovadas pelos Governos de Moçambique e da União.

ARTIGO V.

O recrutamento de indigenas portuguezes só poderá ser efectuado por individuos empregados de uma das entidades referidas no Artigo IV (ao deante chamada Entidade Recrutadora), a quem o Governo de Moçambique tenha concedido uma licença para recrutar, válida por um ano e renovável por periodos anuais, nas seguintes condições:

- Pagamento da taxa anual de £100 (cem libras esterlinas) por cada licença;
- depósito da quantia de £100 (cem libras esterlinas) como caução, na Caixa do Tesouro em Lourenço Marques, á ordem da Direcção dos Serviços e Negocios Indigenas;
- declaração, sem reservas e escrita pelo pretendente á licença, de que se obriga a cumprir integralmente todas as disposições desta Convenção e dos regulamentos sobre recrutamento e emigração de indigenas em vigor em Moçambique, mencionados no Artigo II;
- a licença será pessoal e intransmissível, sendo expressamente prohibida a substituição de pessoas para o exercicio das funções a que a licença dá direito;

- (e) dat die vernuwing van die lisensie binne vyftien dae na die verstryking van sy geldigheidsduur aangevra word op straf van verbeuring van die gedeponeerde waarborg; maar die houder van 'n lisensie wat geen vernuwing daarvan verlang nie moet daarvan kennis gee en sy lisensie oorhandig binne die voormelde tydperk van vyftien dae teneinde hom in staat te stel om die betreffende gedeponeerde waarborg terug te trek;
- (f) dat die Regering van Mosambiek hom die reg voorbehou om die werf-lisensie in te trek in geval van oorlog of ernstige publieke rusverstorende of van dergelyke buitengewone omstandighede wat dit noodsaaklik mag maak;
- (g) dat lisensies ook mag ingetrek word as die houters ernstig en voortdurend die wette van krag in Mosambiek verontagsaam;
- (h) dat geen skadevergoeding betaalbaar is nie vir die intrekking van lisensies onder sub-artikels (f) en (g). In die geval voorsien in subartikel (g) verloor die houters van die lisensie ook die reg op teruggewe van die gedeponeerde waarborg;
- (i) dat die Regering van Mosambiek hom die reg voorbehou om die uitreiking of vernuwing van lisensies te weier, wanneer die applikant nie as 'n behoorlike en bevoegde persoon beskou word nie of ongeskik vir die natuurlike heid en natuurlike administrasie van die Kolonie geag word.

ARTIEKEL VI.

Die Regering van Mosambiek behou hom die reg voor om aanwerving vir, of toewyding van Portugese Naturelle aan, 'n myne te belet, as by 'n gesamentlike ondersoek van verteenwoordigers van die Regering van die Unie en van Mosambiek bevind word dat die bestuur van daardie myn, of sy verantwoordelike personeel, in enige essensiele opsig of na herhaalde waarskuwinge, versuim het om te voldoen aan die erpligtige deur hierdie Konvensie opgelê. Die gesegde verteenwoordigers sal 'n regter se skiedsregter benoem wat in die eerste geval wat mag ontstaan uit die Unie sal benoem word en in die tweede geval uit Mosambiek en daarna in dieselfde volgorde. Ingeval dat die gesegde verteenwoordigers nie daarin slaag om betreffende die sake wat ondersoek word tot 'n eenparige beslissing te kom nie, sal die bevinding van die gesegde skiedsregter oor hierdie sake afdoende wees.

ARTIEKEL VII.

Rekrute wat deur die mediese amptenaar van die Regering van Mosambiek, of deur die Werf-organisasie op Ressano Garcia, of deur mediese amptenare van die Werf-organisasie in die Unie afgewys word as ongeskik vir werk op die Myne, moet op koste van die Werf-organisasie oor die roete, waneer welke hulle gekom het, huis toe geatuur word.

ARTIEKEL VIII.

In ooreenstemming met die bepalinge van die werf-regulasies van Mosambiek, waarna verwys in Artikel II, sal die Regering van Mosambiek aan Portugese Naturelle die toelaat om op die Myne te gaan werk, tensy hulle in die besit is van 'n identifikasiekaart onder daardie regulasies uitgereik.

Geen Portugese Naturel, wat voorheen op die Myne gewerk het, sal weer vir mynwerk in diens geneem word nie, tensy hy bewys kan lewer dat hy vir ten minste ses agtereenvolgende maande in Mosambiek was sedert hy voltooiing van sy voorafgaande kontrak of herindiening ooreenkomstig die bepalinge van Artikel XII. Die Naturel wat nie bogenoemde bewys nie kan lewer nie, sal nie in diens geneem word nie, as die Mosambiekse Outoriteite, op grond van die beskikbare informasie, oortuig is dat hy nie gedurende die gesegde tydperk in die Kolonie was nie.

ARTIEKEL IX.

'n Geldige en lopende Portugese paspoort sal uitgereik word ten aansien van elke Portugese Naturel wat onder hierdie Konvensie op die Myne in diens geneem word.

'n Paspoortfooi van 10s. (tien shillings) sal betaal word deur die Naturel ten aansien van sy oorspronklike indiensneming, en die paspoort sal geldig wees vir 'n tydperk van twaalf maande.

'n Fooi van 5s. (vyf shillings) sal deur die Naturel betaal word vir vernuwing van die paspoort, en geen vernuwing sal vir langer as ses maande geldig wees nie.

- (e) that any renewal of a licence be applied for within fifteen days after the expiration of its period of validity, under penalty of forfeiture of the deposit of guarantee; but the holder of a licence who does not desire a renewal thereof shall make a declaration to that effect, and shall hand over the licence within the said period of fifteen days in order to enable him to withdraw the relative deposit of guarantee;
- (f) that the Government of Mozambique reserves the right to cancel the recruiting licences in case of war or of serious public disturbances or of any such extraordinary circumstances as may make it imperative;
- (g) that licences may also be cancelled if the holders seriously and persistently fail to comply with the laws in force in Mozambique;
- (h) that no indemnity shall be due for the cancellation of licences under sub-sections (f) and (g). In the case provided for in sub-section (g) the holders of the licences shall also lose the right of withdrawing the deposit of guarantee;
- (i) that the Government of Mozambique reserves the right to refuse the issue or renewal of licences when the applicant is considered neither fit nor proper or unsuitable to the Native Policy and the Native Administration of the Colony.

ARTICLE VI.

The Government of Mozambique reserves the right to prohibit recruiting for, or allotment to, any Mine of Portuguese Natives, if, upon a joint investigation by representatives of the Union and Mozambique Governments, the Management of that Mine or its responsible staff are found to have failed to comply in some substantial respect, or persistently after warning, with the obligations imposed by this Convention. The said representatives shall appoint as an umpire a Judge, who in the first case that arises shall be appointed from the Union and in the second case from Mozambique, and thereafter in like rotation. In the event of the said representatives failing to come to a unanimous decision on matters under investigation, the findings of the said umpire on these matters shall be final.

ARTICLE VII.

Recruits rejected as unfit for work on the Mines by the medical officer of the Government of Mozambique or of the Recruiting Organization at Ressano Garcia, or by medical officers of the Recruiting Organization in the Union shall be returned to their homes at the expense of the Recruiting Organization by the route by which they came.

ARTICLE VIII.

In accordance with the provisions of the recruiting regulations of Mozambique referred to in Article II, the Government of Mozambique will not permit Portuguese Natives to proceed to work on the Mines unless they are in possession of an identification card issued under those regulations.

No Portuguese Native previously employed on the Mines shall again be engaged for mining employment unless he can produce evidence to indicate that he has been at least six consecutive months in Mozambique since the completion of his antecedent contract or re-engagement in conformity with Article XII. The Native who cannot produce the evidence above referred to shall not be engaged if the Mozambique Authorities are satisfied on the information available that he has not been in the Colony for the said period.

ARTICLE IX.

A valid and current Portuguese passport shall be issued in respect of every Portuguese Native to be employed on the Mines under this Convention.

A passport fee of 10s. (ten shillings) shall be payable by the Native in respect of his original engagement, and the passport shall be valid for a period of twelve months. A fee of 5s. (five shillings) shall be payable by the Native on renewal of the passport, and no renewal shall exceed a period of six months.

- (e) o pedido de renovação da licença é obrigatório dentro dos quinze dias seguintes ao termo do seu prazo de validade, sob pena de perda da caução, mas aquele que não quiser continuar a exercer o seu mister, assim a declarará, fazendo entrega da licença no prazo acima estabelecido para poder levantar a respectiva caução;
- (f) as licenças podem ser canceladas pelo Governo de Moçambique, por motivo de guerra ou de grave alteração da ordem pública ou ainda por qualquer outra circunstância extraordinária que exija tal procedimento;
- (g) podem também ser canceladas as licenças cujos portadores infringirem grave ou persistentemente as disposições legais em vigor em Moçambique;
- (h) pelo cancelamento das licenças nos casos previstos nas alíneas (f) e (g) não será devida indemnização alguma. No caso da alínea (g), os infractores perdem também o direito ao levantamento da caução em depósito;
- (i) o Governador de Moçambique tem o direito de não conceder licenças ou de não renovar as já concedidas, quando julgar que os indivíduos que as requererem ou desejarem renovar não oferecem suficiente idoneidade ou são inconvenientes à política e administração indígenas da Colónia.

ARTIGO VI.

O Governo de Moçambique reserva-se o direito de proibir o recrutamento ou a distribuição de indígenas portugueses para qualquer mina se, em resultado de uma investigação conjunta, feita por representantes dos Governos de Moçambique e da União, se provar que a administração dessa mina, ou o seu pessoal responsável, desrespeitou gravemente, ou persistentemente depois de avisada, as obrigações impostas por esta Convenção. Os representantes dos dois Governos nomearão um Juiz como árbitro de desempate, o qual será da União no primeiro caso que ocorrer e de Moçambique no segundo, seguindo-se a nomeação alternadamente. Por esta ordem, nos outros casos que forem ocorrendo. Se os ditos representantes não chegarem a uma decisão unânime sobre o assunto da investigação, o árbitro de desempate decidirá em última instância.

ARTIGO VII.

Os indígenas rejeitados por inaptos para o serviço das minas, por um medico do quadro de Saude de Moçambique ou pelo medico da entidade recrutadora em Ressano Garcia ou ainda pelos medicos da mesma entidade na União, serão reconduzidos ás suas terras pela mesma via por onde tenham vindo e á custa da entidade recrutadora.

ARTIGO VIII.

Nos termos das disposições dos regulamentos referidos no Artigo II, o Governo de Moçambique não autorizará a ida de indígenas portugueses para as minas sem que estejam de posse de uma caderneta de identidade fornecida nos termos desses regulamentos.

Nenhum indigena português que anteriormente tenha estado empregado nas minas poderá ser novamente contratado para nelas ser empregado sem que apresente quaisquer provas que mostrem ter estado em Moçambique pelo menos seis mezes consecutivos depois de terminados o contrato ou recontrato referidos no Artigo XII. Não será contratado o indigena que não puder fazer aquela demonstração, se as autoridades de Moçambique, pelas informações que tiverem, se convencerem de que ele não esteve na Colónia durante o periodo acima fixado.

ARTIGO IX.

A cada indigena português que vá ser empregado nas minas, nos termos d'esta Convenção, será fornecido um passaporte português.

Este passaporte será válido pelo periodo de doze mezes e por ele pagará o indigena o emolumento de 10s. (dez shillings) por ocasião do seu contrato; pela renovação do passaporte, válida pelo periodo de seis mezes, pagará o indigena o emolumento de 5s. (cinco shillings).

BY Amos E. Thomas DATE 7/21/65

Ingeval dat 'n naturel sy paspoort verloor, sal die Kurator van Portugees Naturelle (hierin verder genoem "die Kurator") hom voorsien van 'n duplikaat, waarvoor die Naturel 'n fooi van 5s. (vyf sjielings) sal betaal.

ARTIEKEL X.

Die volgende fooie sal deur die werkgewers aan die Kurator betaal word in verband met Portugees Naturelle, naamlik:—

- (a) 'n Registrasiefooi van 1s. (een sjieling) per Naturel by oorspronklike indiensneming, en 1s. (een sjieling) by herindiensneming.
- (b) 'n Maandelikse fooi van 2s. (twee sjielings) per Naturel vir elke maand, of gedeelte daarvan, gedurende welke die Naturel in diens is.

ARTIEKEL XI.

Ingeval dat die totale fooie ontvang deur die Regering van Mosambiek in enige jaar, beginnende met die jaar 1929, onder Artikels IX en X ten aansien van Portugees Naturelle in die Myne werksaam minder beloop as 35s. (vyf-en-dertig sjielings) vermenigvuldig met die gemiddelde getal van sodanige Naturelle wat gedurende daardie jaar by die Myne in diens was, sal die te kort deur die Myne aan die Kurator betaal word.

ARTIEKEL XII.

Die kontrakte van Portugees Naturelle sal nie vir 'n langer tydperk as twaalf maande loop nie (driehonderd en dertien skofte gewerk), maar sodanige Naturelle mag hulle self weer verhuur of hulle kontrakte verleng vir 'n verder tydperk of tydperke van nie meer as ses maande nie (eenhonderd en ses-en-vyf skofte gewerk). Die maksimum tydperk van diens sal in geen geval meer wees as agtien maande nie.

ARTIEKEL XIII.

Na die eerste nege maande (234 skofte gewerk) en gedurende die tydperk of tydperke van herindiensneming, sal die bedrag van 1s. (een sjieling) per skof gewerk (die selfe van die geskikte gemiddelde loontarief) van die verdienste van Portugees Naturelle deur die Myne, waarop hulle werksaam is, ingehou en aan die Naturelle in Mosambiek betaal word by hulle terugkoms.

ARTIEKEL XIV.

Die bedrae ingehou ooreenkomstig die bepalingen van Artikel XIII sal as volg aan die Portugees Naturelle betaal word:—

- (a) Die Myne sal, deur bemiddeling van die Werf-organisasie, teen die vyftiende dag van elke maand aan die order van die Kurator, in 'n Bank in Johannesburg wat deur die Regering van Mosambiek aangewys sal word, die bedrae stort wat gedurende die vorige maand van die lone van Portugees Naturelle afgetrek is;
- (b) die Werf-organisasie moet teen die laaste dag van elke maand by die Kurator 'n lys indien aantoonende die bedrae wat gedurende die vorige maand van die lone van Portugees Naturelle afgetrek was, en sal ook die Kurator voorsien van die nodige informasie om hom in staat te stel om die Mosambiek-oorreite in kennis te stel van die bedrag wat aan elke Naturel by sy terugkeer na Mosambiek sal moet betaal word;
- (c) die Werf-organisasie moet die ingehoue loon aan die betrokke Naturelle op Ressano Garcia, of op enige ander plek waarvoor van tyd tot tyd onderling ooreengekom mag word tussen die Regering van Mosambiek en die Werf-organisasie, betaal. Al sulke betalings moet aan die Naturelle gedaan word deur 'n verteenwoordigende amptenaar van die Werf-organisasie, en geskied in die kantoor van die Fiskaal van Emigrasie op Ressano Garcia, of in sodanige ander Goewermentskantoor op enige ander plek by onderlinge ooreenkoms bepaal, waar aangewese behuising vir hierdie doel ter beskikking van die Organisasie gestel sal word;
- (d) die Regering van Mosambiek sal weekliks vooruit aan die Werf-organisasie op Ressano Garcia, of op enige ander plek by onderlinge ooreenkoms bepaal, die bedrae oorhandig wat die Werf-organisasie nodig het om die betalings waarna in Klousule (c) hierbo verwys is, aan die Naturelle te doen;
- (e) die Werf-organisasie aan die Myne sal alle nodige fasiliteite aan die Kurator gee teneinde hom in staat te stel om hom te oortuig dat aan die vereistes van hierdie Artikel voldoen word.

In case the Native loses his passport, the Curator of Portuguese Natives (herein after termed "the Curator") shall supply him with a duplicate, for which a fee of 5s. (five shillings) shall be payable by the Native.

ARTICLE X.

The following fees shall be payable to the Curator by the employers in respect of Portuguese Natives, viz.:—

- (a) A registration fee of 1s. (one shilling) per Native on original engagement, and 1s. (one shilling) on re-engagement;
- (b) a monthly fee of 2s. (two shillings) per Native for every month or part thereof during which the Native is employed.

ARTICLE XI.

If the total fees received by the Government of Mozambique in any year commencing with the year 1929 under Articles IX and X in respect of Portuguese Natives employed in the Mines amount to less than 35s. (thirty-five shillings) multiplied by the average number of such Natives employed by the Mines during that year, the deficiency shall be paid by the Mines to the Curator.

ARTICLE XII.

The contracts of Portuguese Natives shall not extend for a longer period than twelve months (three hundred and thirteen shifts worked) but such Natives may re-engage themselves or extend their contracts for a further period or periods up to an additional six months (one hundred and fifty-six shifts worked). The maximum period of service shall not in any case exceed eighteen months.

ARTICLE XIII.

After the first nine months (two hundred and thirty-four shifts worked) and during any period or periods of re-engagement the sum of 1s. (one shilling) per shift worked (being one-half of the estimated average contract rates of pay) shall be retained from the earnings of Portuguese Natives by the Mines on which they are employed and shall be paid to the Natives in Mozambique on their return thereto.

ARTICLE XIV.

The sums retained in accordance with Article XIII shall be paid to the Portuguese Natives as follows:—

- (a) The Mines, through the Recruiting Organization shall deposit to the order of the Curator by the fifteenth day of each month, in Johannesburg, with a Bank nominated by the Government of Mozambique, the amounts deducted during the previous month from the wages of Portuguese Natives;
- (b) the Recruiting Organization shall lodge with the Curator by the last day of each month a schedule showing the amounts deducted during the previous month from the wages of Portuguese Natives, and shall also supply the Curator with the necessary information to enable him to advise the Mozambique Authorities of the amount to be paid to each Native on his return to Mozambique;
- (c) the Recruiting Organization shall pay the deferred pay to the Natives concerned, at Ressano Garcia or at any other place which may from time to time be mutually agreed upon between the Government of Mozambique and the Recruiting Organization. All such payments shall be made to the Natives by a representative official of the Recruiting Organization, and shall be effected in the Office of the Fiscal of Emigration at Ressano Garcia, or in such other Government Office at some other place as may be mutually agreed upon, specific accommodation being allocated to the Recruiting Organization for that purpose;
- (d) the Government of Mozambique shall hand over weekly in advance to the Recruiting Organization at Ressano Garcia or at any other place that may be mutually agreed upon, the amounts required by the Recruiting Organization to make the payments to the Natives referred to in Clause (c) above;
- (e) the Recruiting Organization and the Mines shall place at the disposal of the Curator all necessary facilities to enable him to satisfy himself that the requirements of this Article are being carried out.

No caso do indigena perder o seu passaporte, o Curador dos Indigenas Portugueses (ao deante chamado o Curador) fornecer-lhe-ha um duplicado pelo qual o indigena pagará o emolumento de 5s. (cinco shillings).

ARTIGO X.

As minas pagarão ao Curador, pelo emprego de indigenas portugueses, as seguintes taxas:

- (a) 1s. (um shilling) pelo registro de cada contrato ou recontrato, por cada indigena;
- (b) 2s. (dois shillings) por indigena e por mez ou parte, durante o tempo que o indigena estiver empregado.

ARTIGO XI.

Se, em cada ano, a começar no de 1929, o total das taxas e emolumentos recebidos pelo Governo de Moçambique, nos termos dos Artigos IX e X e em relação aos indigenas portugueses empregados nas minas, não atingir uma importancia igual ao producto de 35s. (trinta e cinco shillings) pelo numero medio de indigenas empregados nas minas durante esse ano, a diferença será paga pelas minas ao Curador.

ARTIGO XII.

Os contratos dos indigenas portugueses serão por um periodo não superior a doze mezes (313 dias uteis), mas os indigenas poderão recontratar-se ou renovar os seus contratos por um periodo, ou periodos, não excedendo a seis mezes (156 dias uteis). O periodo maximo de serviço não excederá, em caso algum, dezoito mezes.

ARTIGO XIII.

Depois dos primeiro nove mezes (234 dias uteis) do contrato e durante qualquer periodo ou periodos do recontrato, a quantia de 1s. (um shilling) por dia util de trabalho (metade da media dos salarios fixados no contrato) será deduzida dos salarios dos indigenas portugueses, pelas minas em que estiverem empregados, para lhes ser paga em Moçambique por ocasião do seu regresso.

ARTIGO XIV.

As quantias retidas nos termos do Artigo XIII serão pagas aos indigenas, observando-se as seguinte disposições:

- (a) As minas, por intermedio da entidade recrutadora, depositarão até ao dia quinze de cada mes, a ordem do Curador num banco em Johannesburg designado pelo Governo de Moçambique, as quantias deduzidas dos salarios dos indigenas portugueses durante o mez anterior;
- (b) a entidade recrutadora entregará ao Curador, até ao ultimo dia de cada mes, uma relação das quantias deduzidas dos salarios dos indigenas portugueses durante o mez anterior, e fornecer-lhe-ha todas as informações necessarias para que ele possa comunicar as autoridades de Moçambique as quantias a pagar aos indigenas no seus regresso a Moçambique;
- (c) as quantias retidas serão pagas pela entidade recrutadora aos indigenas interessados, em Ressano Garcia (ou em qualquer outro local fixado por accordo entre o Governo de Moçambique e aquela entidade). Todos estes pagamentos serão feitos na Fiscalização da Emigração em Ressano Garcia, ou na repartição publica de outra localidade que tenha sido escolhida, por um empregado representando a entidade recrutadora, sendo-lhe para esse efeito destinada instalação apropriada;
- (d) o Governo de Moçambique entregará todas as semanas, adequadamente, em Ressano Garcia ou em qualquer outro local designado de comum accordo, as quantias necessarias para a entidade recrutadora fazer aos indigenas os pagamentos referidos na alinea c);
- (e) a entidade recrutadora e as minas darão ao Curador todas as facilidades para que ele possa fiscalizar o cumprimento das disposições deste artigo.

ARTIKKEL XV.

Alle bates in die boedels van oorlede Portugees Naturrelle, sowel as alle gelde as kompensatie verskuldig ten aansien van sodanige Naturrelle, moet aan die Kurator oorhandig word, en waar die erfgename of bevoordeeldes nie opgespoor kan word nie, moet sodanige gelde deur die Regering van Mosambiek uitsluitlik tot welsyn van sy Naturrellebevolking aangewend word. Dieselfde prosedure word gevolg ten opsigte van alle onopgeëiste ingehoue loon en alle ander onopgeëiste gelde wat deur die Myne aan die Portugees Naturrelle verskuldig is. Alle interese op sodanige gelde en op die bedrae ooreenkomstig Artikel XIV gedeponeer, moet eweneens uitsluitlik tot welsyn van die Naturrellebevolking van die Kolonie aangewend word.

ARTIKKEL XVI.

Portugees Naturrelle in diens van die Myne—hetsy hulle die Unie ingekom het met 'n paspoort, hetsy hulle een van die Kurator gekry het, waardeur hul posisie gewettig is—sal by beëindiging van hul diens tyd op die Myne beskou word as verbode immigrante in die Unie, en in hierdie opsig sal die bepaling van die Wette van die Unie reëlende die immigrasie toegepas word, en alle Portugees Naturrelle as sodanig geldentfiseer, wat nie in die besit is van 'n geldige en lopende Portugees paspoort sowel as van sodanige vergunning van die Unie owerheid as vereis mag word, sal ook as verbode immigrante aangemerkt word. Met die verstande egter dat, teneinde voorsiening te maak vir spesiale gevalle en ook om te verseker dat die repatriasie van Naturrelle wat voor die van krag word van hierdie Konvensie in diens geneem is, nie die aantal vereis deur Artikel III sal te bowe gaan nie, sal die Kurator geregtig wees om met toestemming van die Departement van Naturrellesake van die Unie in besondere gevalle die toepassing van die voorskrifte van hierdie Artikel uit te stel.

ARTIKKEL XVII.

Onderhewig aan skikkings tussen die Regerings van die Unie en van Mosambiek, sal die Regering van Mosambiek bevoeg wees om die emigrasie te magtig van Naturrelle wat verlang om werk te soek op die Myne sonder die tussenkomst van die Werforganisasie. Alle sodanige Naturrelle sal, by indiensneming deur die Myne, val onder die kwota wat neergelê is in Artikel III en onderhewig wees aan al die ander bepalinge van hierdie Konvensie.

ARTIKKEL XVIII.

Alle gelde wat afgetrek moet word van die lone van Portugees Naturrelle ten opsigte van voorskotte aan hulle deur die Myne gedaan op gesag van die Regering van Mosambiek onder hierdie Konvensie voor hul indienstreding sal ingehou word van die lone betaalbaar gedurende die eerste nege maande van hul diens tyd op die Myne. Die fooie wat kragtens hierdie Konvensie deur die Naturrelle aan die Regering van Mosambiek verskuldig is, sal ook van die lone, behalwe van daardie gedeelte wat as uitgetelde betaling ingehou is, afgetrek en aan die Kurator oorhandig word.

ARTIKKEL XIX.

Vir sover as sodanige sake onder die beheer van die Regerings van die Unie of van Mosambiek is, mag die vervoerkoste van die Naturrelle van die Myne na hul wonings nie die ooreenkomstige vervoerkoste van hul wonings na die Myne te bowe gaan nie.

ARTIKKEL XX.

Geen Portugees Naturrel, wat in die besit is van 'n Portugees paspoort, uitgereik in ooreenstemming met hierdie Konvensie, sal verplig wees om die Hutbelasting gelê op die Naturrelle van die Unie, te betaal nie.

ARTIKKEL XXI.

Geen pas sal deur die Regering van die Unie uitgereik word aan Portugees Naturrelle wat nie in die besit van 'n geldige Portugees paspoort is nie, en geen sodanige Naturrelle sal deur die Amptenare van die Regering van die Unie geregistreer word nie anders as op vertoon van 'n skriftelike magtiging deur die Kurator.

ARTIKKEL XXII.

Geen pas sal deur die Regering van die Unie uitgereik word aan Portugees Naturrelle in sy gebiede woonagtig, teneinde hulle in staat te stel om na enige land behalwe Mosambiek te reis, teny hulle 'n skriftelike magtiging van die Kurator toon, en alle reispasse wat die Portugees Naturrelle in staat stel om die Unie te verlaat, moet deur die Kurator gegee word. Geen passe mag

ARTICLE XV.

All assets in the estates of deceased Portuguese Natives, together with any compensation moneys due in respect of such Natives, shall be handed to the Curator, and where the heirs or beneficiaries cannot be traced, shall be applied exclusively to the welfare of the Native population of Mozambique by its Government. The like procedure shall apply in respect of any unclaimed deferred pay and any other unclaimed moneys due by the Mines to Portuguese Natives. Any interest that may accrue upon such moneys, and also upon the amounts deposited under Article XIV, shall similarly be applied exclusively to the welfare of the Native population of the Colony.

ARTICLE XVI.

Portuguese Natives in the employment of the Mines, whether they entered the Union with a passport or whether they obtained one from the Curator legalizing their position shall upon the termination of their services on the Mines be regarded as prohibited immigrants in the Union, and in this respect the provisions of the Immigrants Regulation Laws of the Union shall be applied, and any Portuguese Native, identified as such, who is not in possession of a valid and current Portuguese passport in addition to such permission of the Union Authorities as may be required shall also be regarded as a prohibited immigrant. Provided, however, that in order to meet special cases and also to ensure that the repatriation of Natives engaged before the commencement of this Convention shall not exceed the volume necessitated by Article III, it shall be competent for the Curator with the agreement of the Union Department of Native Affairs to postpone the requirements of this Article in specified cases.

ARTICLE XVII.

Subject to arrangement between the Union and Mozambique Governments, it shall be competent for the Government of Mozambique to authorize the emigration of Natives who may desire to seek employment upon the Mines without the intervention of the Recruiting Organization. Any such Natives upon employment by the Mines shall fall within the quota laid down in Article III and shall be subject to all the other provisions of this Convention.

ARTICLE XVIII.

All deductions from the wages of Portuguese Natives in respect of advances made to them by the Mines under the authority of the Government of Mozambique under this Convention before the commencement of their employment shall be made from the wages payable during the first nine months of their employment on the Mines. The fees due by the Natives to the Government of Mozambique under this Convention shall also be deducted by the Mines from the wages, other than the portion retained as deferred pay, and shall be handed to the Curator.

ARTICLE XIX.

In so far as such matters are under the control of the Union or Mozambique Governments, the fares from the Mines to the Natives' homes shall not exceed the corresponding fares from their homes to the Mines.

ARTICLE XX.

No Portuguese Native holding a Portuguese passport issued in accordance with this Convention shall be liable to pay the Hut Tax applicable to the Natives of the Union.

ARTICLE XXI.

No pass shall be issued by the Union Government to Portuguese Natives who are not in possession of a valid Portuguese Passport, and no such Natives shall be registered by the Officials of the Union Government except on production of a written authority from the Curator.

ARTICLE XXII.

No pass shall be issued by the Union Government to Portuguese Natives resident within its territories enabling them to travel to any country except Mozambique unless they produce a written authority from the Curator, and all travelling passes enabling the Portuguese Natives to leave the Union shall be viséed by the Curator. No passes

ARTIGO XV.

Os espólios dos indígenas portugueses falecidos e bem assim as compensações devidas em relação a esses indígenas serão entregues ao Curador e, quando os herdeiros ou beneficiários não foram encontrados, serão exclusivamente aplicados pelo Governo de Moçambique em benefício da população indígena de Moçambique. Igual procedimento será adoptado em relação a qualquer quantia retida e não reclamada pelos indígenas ou a quaisquer outros dinheiros devidos pelas minas aos indígenas portugueses que não tenham sido reclamados.

Os juros vencidos por esses dinheiros e pelas quantias depositadas nos termos do Artigo XIV serão igualmente aplicados em exclusivo benefício da população indígena de Moçambique.

ARTIGO XVI.

Os indígenas portugueses que deixem de regressar a Moçambique ao terminarem os contratos de serviço nas minas, quer tenham entrado na União com passaporte quer tenham obtido esse passaporte do Curador, legalizando assim a sua situação, serão considerados imigrantes clandestinos (prohibited immigrants) na União, sendo-lhes aplicadas as disposições dos regulamentos dos imigrantes da União; e qualquer indígena português, identificado como tal, que não esteja na posse de um passaporte português válido ou revelado, conjuntamente com a autorização das autoridades da União que possa ser necessária, será igualmente considerado imigrante clandestino (prohibited immigrant).

No entanto, em casos especiais e para assegurar que a repatriação dos indígenas contratados antes desta Convenção entrar em vigor não exceda o numero necessario para efectuar a redução do contingente fixado pelo Artigo III, o Curador poderá, de acordo com a Repartição dos Negocios Indígenas da União, adiar, em casos especificados, a aplicação das disposições deste artigo.

ARTIGO XVII.

Mediante acordo entre os Governos de Moçambique e da União, poderá o Governo de Moçambique conceder passaportes especiais aos indígenas que desejem emigrar para serem empregados nas minas, independentemente da intervenção de uma entidade recrutadora, sendo o numero desses indígenas, depois de empregados nas minas, incluído no contingente fixado no Artigo III e sendo-lhes applicaveis todas as demais disposições desta Convenção.

ARTIGO XVIII.

Todas as deduções nos salarios dos indígenas portugueses para pagamento de adeantamentos que as minas lhes tenham feito com autorização do Governo de Moçambique, antes do começo do periodo de trabalho, serão efectuadas nos salarios dos primeiros nove mezes do seu emprego nas minas.

Os emolumentos devidos pelos indígenas ao Governo de Moçambique, segundo esta Convenção, serão deduzidos pelas minas da parte dos salarios não retida e serão entregues pelas mesmas minas ao Curador.

ARTIGO XIX.

As despesas de transporte dos indígenas para as suas terras, no que dependa dos Governos de Moçambique e da União, não excederão as das suas terras para as minas.

ARTIGO XX.

Nenhum indígena português munido de um passaporte português, concedido em conformidade com esta Convenção, estará sujeito ao pagamento do imposto de palhota estabelecido para os indígenas da União.

ARTIGO XXI.

Nenhum passe será concedido pelo Governo da União aos indígenas portugueses que não estejam munidos de um passaporte português válido, nem nenhum daqueles indígenas poderá ser registado pelas autoridades do Governo da União sem autorização escrita do Curador.

ARTIGO XXII.

O Governo da União não concederá passes aos indígenas portugueses residentes nos seus territorios que lhes permitam sair da União para outro territorio que não seja o de Moçambique, a não ser com autorização escrita do Curador, carecendo do visto do Curador todos os passes para os indígenas portugueses saírem da União.

BY James E. Trimble DATE 7/21/65

aan Portugese Naturelle uitgereik word teneinde hulle in staat te stel om van die een Provinsie van die Unie na 'n ander te reis sonder magtiging van die Kurator.

ARTIKEL XXIII.

Gelde as kompensasie aan Portugese Naturelle verskuldig ten aansien van ongevalle of siekte opgedaan op die Myne, moet in die teenwoordigheid van die Kurator aan die Naturelle uitbetaal word ooreenkomstig die prosedure vas te stel deur die Direkteur van Naturelle-arbeid van die Unie en die Kurator.

ARTIKEL XXIV.

Die bepalings van die Mynteringwette Konsolidasie Wet, 1925, van die Unie, en alle wysigings daarvan, met betrekking tot die toekenning van voordele aan Naturelle woonagtig buite die Unie, en met betrekking tot die ondersoek van Naturelle vir daardie doel deur mediese amptenare woonagtig buite die Unie, sal ook van toepassing wees op Portugese Naturelle by hul terugkeer na Mosambiek.

ARTIKEL XXV.

Slegs in seer besondere gevalle sal die Amptenare van die Regering van Mosambiek paspoorte aan Portugese Naturelle-vroue uitreik, teneinde hulle in staat te stel om die Unie te besoek, waaruit hulle, indien hulle sonder 'n geldige paspoort gevind word, onmiddellik gerepatrieer sal word.

ARTIKEL XXVI.

Alle gelde, betaalbaar ooreenkomstig hierdie Konvensie, betyft belastinge, fooie, lone of enige ander gelde, moet in goud betaal en vereffen word.

ARTIKEL XXVII.

'n Portugese Amptenaar, wie se naam aan die Regering van die Unie meegedeel moet word, sal op Johannesburg die pligte onderneem van Kurator vir alle Portugese Naturelle woonagtig in die Unie en belas wees met die funksies van Konsul ten opsigte van sulke Naturelle en van alle ander Naturelle uit Portugese Kolonies. Bovendien word die volgende bevoegdhede en pligte aan hom verleen en opgelê ten aansien van Portugese Naturelle:—

- (a) Om die outoriteite van die Unie te nader met die doel om tot 'n verstandhouding te kom in alle sake betreffende Portugese Naturelle in die Unie;
- (b) om alle gelde en belastinge in te vorder, wat betaalbaar is aan die Kurator kragtens hierdie Konvensie ten opsigte van Portugese Naturelle werksaam in die Unie;
- (c) om paspoorte uit te reik of te weier aan Portugese Naturelle wat in die Unie gekom het sonder 'n paspoort van die Portugese Outoriteite en om gevolg te gee aan die voorbehoud in Artikel XVI in oorleg met die Departement van Naturelle Sake van die Unie;
- (d) om onderworpe aan die bepalings van hierdie Konvensie die vernunwing van paspoorte aan Portugese Naturelle toe te staan of te weier;
- (e) om met alle middele tot sy beskikking die registrasie op sy Kantoor van alle Portugese Naturelle in die Unie te bevorder;
- (f) om 'n agentskap te organiseer vir die in bewaringgewing en oormak van gelde behorende aan Portugese Naturelle;
- (g) om na te gaan hoe die Portugese Naturelle aan die verskillende Myne toegewys is en van laasgenoemde maandelikse state te verkry waarin die beweging van Naturelle, hul lone en aantal werkdae aangetoon word;
- (h) om, deerland, die ondersoek by te woon wat die owerheid van die Unie mag instel in verband met ernstige geskille of werkstakinge, waarby Portugese Naturelle betrokke is;
- (i) om die belange en welvaart van Portugese Naturelle te behartig, die Regering van die Unie asook die Myne te nader, wanneer nodig die werkplekke en behuising van die Naturelle te besoek, aan wie altyd geleentheid gegee word om aan die Kurator hul eise of ander sake voor te lê;
- (j) om in ooreenstemming met die owerheid van die Unie reëlings te tref vir die repatriasie van Portugese Naturelle, wie se repatriasie deur die Regering van Mosambiek verlang word, en vir die opskorting of intrekking van hul kontrakte;

shall be granted to Portuguese Natives enabling them to travel from one Province of the Union to another without the authority of the Curator.

ARTICLE XXIII.

Compensation moneys due to Portuguese Natives in respect of accidents, or sickness, contracted on the Mines shall be paid to the Natives in the presence of the Curator in accordance with a procedure to be arranged between the Union Director of Native Labour and the Curator.

ARTICLE XXIV.

The provisions of the Miners' Phthisis Act Consolidation Act, 1925, of the Union, and any amendment thereof, in regard to the award of benefits to Natives resident outside the Union, and in regard to the examination of Natives for that purpose by medical officers resident outside the Union shall apply also to Portuguese Natives on their return to Mozambique.

ARTICLE XXV.

Only in very special cases shall the Officials of the Government of Mozambique issue passports to Portuguese Native women enabling them to visit the Union whence, if they are found without a valid passport, they shall be immediately repatriated.

ARTICLE XXVI.

All moneys payable under this Convention whether taxes, fees, wages or any other moneys shall be paid and settled in gold.

ARTICLE XXVII.

A Portuguese Official, whose name shall be communicated to the Union Government, shall undertake at Johannesburg the duties of Curator for all Portuguese Natives resident in the Union and shall be charged with the functions of a Consular Officer with respect to such Natives and all other Natives from Portuguese Colonies. In addition the following powers and duties shall attach to him in respect of Portuguese Natives:—

- (a) To approach the Union Authorities with a view to arriving at an understanding in all matters relating to Portuguese Natives in the Union;
- (b) to collect all fees and taxes payable to the Curator under this Convention in respect of Portuguese Natives employed in the Union;
- (c) to issue or refuse passports to Portuguese Natives who may have entered the Union without a passport issued by the Portuguese Authorities and to give effect to the proviso in Article XVI in consultation with the Union Department of Native Affairs;
- (d) subject to the terms of this Convention to grant or refuse the renewal of passports to Portuguese Natives;
- (e) to promote by all means at his command the registration at his Office of all Portuguese Natives in the Union;
- (f) to organize a Deposit and Transfer Agency for moneys belonging to Portuguese Natives;
- (g) to ascertain the allotment of Portuguese Natives to the different Mines and to obtain from the latter monthly returns showing the movement of the Natives, their wages and number of working days;
- (h) to attend, if so requested, at any enquiry that the Union Authorities may institute respecting grave disputes or strikes in which Portuguese Natives are involved;
- (i) to look after the interest and welfare of the Portuguese Natives, approaching the Union Government and the Mines, when necessary, to visit the localities of employment and residence of the Natives to whom facilities shall always be given for submitting to the Curator their claims or other matters;
- (j) in agreement with the Authorities of the Union to arrange the repatriation of Portuguese Natives whose repatriation is desired by the Government of Mozambique, and the suspension or cancellation of their contracts;

Sem autorização do Curador não serão igualmente concedidos passes para os indígenas portugueses se deslocarem de província para província da União.

ARTIGO XXIII.

As compensações devidas aos indígenas portugueses por motivo de acidentes ocorridos ou de doenças contraídas nas minas, serão pagas a esses indígenas na presença do Curador e de harmonia com as condições que forem estipuladas entre este e o Director do Trabalho Indígena da União.

ARTIGO XXIV.

As disposições da lei da União sobre a Tísica dos Mineiros (Miners' Phthisis Act Consolidated Act, 1925) e todas as suas alterações, pelo que respeita à concessão de compensações aos indígenas residentes fóra da União e aos exames dos indígenas, para esse fim, por médicos residentes fóra da União, serão aplicadas também aos indígenas portugueses regressados a Moçambique.

ARTIGO XXV.

Só em casos muito especiais concederão as autoridades de Moçambique passaportes a mulheres indígenas portuguesas para irem em visita à União, sendo imediatamente repatriadas as que ali forem encontradas sem passaporte válido.

ARTIGO XXVI.

Todas as quantias em dinheiro devidas nos termos desta Convenção, sejam taxas, emolumentos, salarios ou outras, serão pagas e liquidadas em ouro.

ARTIGO XXVII.

Um funcionario português, com residencia em Johannesburg, cujo nome será comunicado ao Governo da União, exercerá as funções de Curador de todos os indígenas portugueses residentes na União, tendo toda a competencia dos funcionarios consulares com respeito a esses indígenas e a todos os outros das Colonias Portuguezas.

Além destes poderes competem-lhe mais as seguintes atribuições e deveres em relação aos indígenas portugueses:—

- (a) Entender-se com as autoridades da União sobre todos os assuntos que se liguem com os indígenas portugueses ali residentes;
- (b) cobrar todos os emolumentos e taxas que devam ser pagas ao Curador, em virtude desta Convenção e em relação aos indígenas portugueses empregados na União;
- (c) conceder ou recusar passaportes aos indígenas portugueses que tenham entrado na União sem passaporte emitido pelas autoridades portuguesas, e aplicar, de acordo com a Repartição dos Negocios Indígenas da União, as disposições da parte final do Artigo XVI;
- (d) conceder ou recusar, nos termos desta Convenção, a renovação de passaportes aos indígenas portugueses;
- (e) Promover, por todos os meios ao seu alcance, o registo na sua repartição de todos os indígenas portugueses residentes na União;
- (f) organizar uma agencia de depositos e de transferencia de dinheiros pertencentes aos indígenas portugueses;
- (g) Conhecer da distribuição dos indígenas portugueses pelas diferentes minas, obtendo destas a remessa mensal de mapas demonstrativos do movimento de indígenas, seus salarios e dias de trabalho;
- (h) assistir às investigações determinadas pelas autoridades da União por motivo de graves desordens ou graves em que estejam envolvidos indígenas portugueses, quando para isso seja solicitado;
- (i) zelar junto das autoridades da União e das minas pelos interesses e bem estar dos indígenas portugueses e visitar os locais de trabalho e de alojamento, sendo sempre facultado o acesso dos indígenas até junto do Curador afim de lhe poderem apresentar as suas reclamações ou submeter quaisquer assuntos;
- (j) fazer repatriar os indígenas portugueses requisitados pelo Governo de Moçambique, suspendendo ou cancelando os respectivos contratos de acordo com as autoridades da União;

(k) om in ooreenstemming met die werkgewers aan Portugese Naturelle verlof toe te staan of te weier om Mosambiek te besoek tydens die duur van hul kontrakte;

(l) om amptenare onder sy toosig aan te stel teneinde die bepalings van hierdie Konvensie in die Unie nit te voer, waarook Portugese Naturelle aangetref mag word, indien die Kurator die bepalings nie, deur die werkplekke persoonlik te besoek, kan uitvoer nie;

(m) om aan sy ondergeskiktes sulke bevoegdhede as hy nodig mag ag vir die nitvoering van sy pligte, op te dra.

mits aan die Regering van die Unie van die oordrag van enige bevoegdhede van die Kurator onder paragrafe (l) en (m) van hierdie Artikel kennis gegee word.

ARTIEKEL XXVIII.

Die Regering van die Unie sal aan die Kurator by die uitoefening van sy pligte onder hierdie Konvensie alle nodige hulp verleen.

ARTIEKEL XXIX.

Niks in hierdie Konvensie vervat sal afbreuk doen aan enige regte verkry, of verpligtinge aangegaan, deur Naturelle werklid in diens van die Myne, of deur hul werkgewers nit kragte van ooreenkomste wat bestaan voor die inwerkingtreding van hierdie Konvensie, onderworpe aan die bepalings van die eerste paragraaf van Artikel VI van die Konvensie van 1 April 1909.

ARTIEKEL XXX.

By die verstryking van hierdie Konvensie sal die bepalings daarvan van toepassing bly op Portugese Naturelle wat dan in diens is, en die Kurator sal sy werksaamhede hangende die repatriasie van sodanige Naturelle voortsit. In hierdie geval bly die bepalings vervat in Artikel XXVIII van toepassing.

DEEL II.

HAWA EN SPOORWEE.

ARTIEKEL XXXI.

Die Regering van die Unie en die Regering van Mosambiek sal die nodige maatreels en stappe neem om uitvoering te gee aan die bepalings van hierdie Konvensie insake die invoer- en uitvoerverkeer van die Unie oor die hawe van Lourenço Marques.

ARTIEKEL XXXII.

Onderworpe aan die bepalings van Artikel XXXIII onderneem die Regering van die Unie om aan die hawe en spoorwee van Lourenço Marques (hierna verder genoem Porto e C.F.L.M.) van vyftig tot vyf-en-vyftig persent van die totale hoeveelheid oorsese handelsgoedereverkeer naar die "konkurensiestreek" te verseker:

- vir die doel van die berekening van die persentasie vermeld in hierdie Artikel word die goedere van oorsese ingevoer vir die siviele, militêre en spoorwegowerhede uitgesluit;
- die "konkurensiestreek" beteken die streek wat begrens is deur lyngetrek tussen die stasies vir goedereverkeer wat Pretoria, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp en Pretoria bedien soos aangedui in die kaart aan hierdie Konvensie geheg, of 'n ander streek waartoe ooreengekom mag word deur die twee spoorwegadministrasies.

ARTIEKEL XXXIII.

As die hoeveelheid oorsese handelsgoedereverkeer, wat deur die hawe van Lourenço Marques na die "konkurensiestreek" gaan, gedurende die tydperk wat hierdie Konvensie in werking is, minder as vyftig persent of meer as vyf-en-vyftig persent van die totale hoeveelheid van sodanige verkeer na daardie streek oor al die hawens bedra, het een van beide Spoorwegadministrasies die reg om te vorder dat stappe gedoen word om gevolg te gee aan die bepalings van Artikel XXXII en in sodanige geval moet die twee Administrasies by onderlinge ooreenkoms sodanige stappe bepaal. Enige vermindering in die persentasie van sodanige verkeer deur die hawe van Lourenço Marques, veroorsaak deur 'n omstandigheid waaroor die Regering van die Unie geen mag het nie, word uitgesluit van bogemelde bepaling.

Tenay anders ooreengekom, vind alle herreelings, wat kragtens die terme van hierdie Artikel by ooreenkoms gemaak word, elke ses maande plaas, en word die persentasie van hoeveelheid bereken oor tydperke

(k) in agreement with the employers to grant or refuse leave to Portuguese Natives to visit Mozambique during the term of their contracts;

(l) to appoint any of the officials under his control to carry out the provisions of this Convention within the Union wherever Portuguese Natives may be found, in case the Curator is unable to carry them out personally by visiting the places of employment;

(m) to delegate such powers to his subordinates as he thinks fit for the carrying out of his duties provided that the Union Government be advised of the delegation of any powers of the Curator under paragraphs (l) and (m) of this Article.

ARTICLE XXVIII.

The Union Government shall afford the Curator all necessary assistance in the performance of his duties under this Convention.

ARTICLE XXIX.

Nothing in this Convention shall detract from any rights acquired or liabilities incurred by Natives actually in employment upon the Mines or by their employers in terms of arrangements existing prior to the coming into force of this Convention, subject to the provisions of the first paragraph of Article VI of the Convention of 1st April, 1909.

ARTICLE XXX.

On the expiration of this Convention, its terms shall apply in respect of Portuguese Natives then employed, and the Curator shall continue his functions pending the repatriation of such Natives.

In such event the provisions of Article XXVIII shall continue to apply.

PART II.

PORT AND RAILWAYS.

ARTICLE XXXI.

The Union Government and the Government of Mozambique shall adopt the necessary means and methods to give effect to the provisions of this Convention regarding the import and export traffic of the Union conveyed through the Port of Lourenço Marques.

ARTICLE XXXII.

Subject to the provisions of Article XXXIII, the Union Government undertakes to secure to the Port and Railways of Lourenço Marques (hereinafter called Porto e C.F.L.M.) from fifty to fifty-five per cent. of the total tonnage of commercial sea-borne goods traffic imported into the "competitive area":—

- For the purpose of computing the percentage referred to in this Article, sea-borne goods traffic for the civil, military, and railway authorities shall be excluded;
- the "competitive area" shall mean the area bounded by lines drawn between the goods traffic stations serving Pretoria, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp, and Pretoria, as indicated in the map annexed to this Convention, or any other area which may be agreed upon by the two Railway Administrations.

ARTICLE XXXIII.

If, during the period this Convention is in force, the tonnage of commercial sea-borne goods traffic passing through the Port of Lourenço Marques to the "competitive area" falls below fifty per cent. or exceeds fifty-five per cent. of the total tonnage of such traffic to that area via all ports, either Railway Administration shall have the right to claim that steps be taken to give effect to the provisions of Article XXXII, in which event the two Administrations shall mutually agree as to such steps. From the aforesaid provision shall be excepted the case of any diminution in the percentage of such traffic through the Port of Lourenço Marques occasioned by any circumstance not within the control of the Union Government.

Except by mutual consent, any adjustment agreed upon in terms of this Article shall take place every six months, and the percentage of tonnage shall be calculated over

(k) conceder ou recusar, de acordo com os patrões, licenças aos indígenas portugueses para irem em visita a Moçambique durante a vigência dos seus contratos;

(l) nomear entre os funcionários seus subordinados os que entender necessários para executar as disposições desta Convenção em qualquer parte dos territórios da União onde existam indígenas portugueses, quando não possa executá-las visitando pessoalmente os locais de trabalho;

(m) delegar nos funcionários sob as suas ordens a parte das suas atribuições que julgar necessárias ao bom desempenho dos serviços, comunicando ao Governo da União as delegações de atribuições e nomeações que fizer nos termos desta alínea e da anterior.

ARTIGO XXVIII.

O Governo da União prestará ao Curador todo o auxílio necessário para o cumprimento das atribuições que lhe são conferidas por esta Convenção.

ARTIGO XXIX.

Nada do que fica estipulado nesta Convenção afectará os direitos ou obrigações que dos indígenas portugueses actualmente empregados nas minas, quer das minas que os empregam, e que resultem de contratos celebrados anteriormente à entrada em vigor desta Convenção, sujeita, porém, a doutrina deste artigo ao cumprimento das disposições da primeira parte da Clausula VI da Convenção de 1 de Abril de 1909.

ARTIGO XXX.

Expirado o prazo desta Convenção, as suas disposições aplicar-se-ão aos indígenas portugueses que então estiverem empregados nas minas e o Curador continuará no exercício das suas funções até à repatriação desses indígenas, mantendo-se em vigor as disposições do Artigo XXVIII.

PARTE II.

PORTO E CAMINHOS DE FERRO.

ARTIGO XXXI.

O Governo de Moçambique e o Governo da União adoptarão as medidas necessárias para efectivar as disposições d'esta Convenção que se referem ao trafego de importação e exportação da União pelo porto de Lourenço Marques.

ARTIGO XXXII.

O Governo da União assegura, nos termos das disposições do Artigo XXXIII, que cinquenta a cinquenta e cinco por cento da tonelagem total das mercadorias importadas por via marítima, com destino à Zona de Competência, passará pelo Porto e Caminhos de Ferro de Lourenço Marques (adeante denominados Porto e C.F.L.M.):—

- Para efeitos do calculo da percentagem referida neste artigo, será excluído o trafego das mercadorias importadas por via marítima com destino às autoridades civis, militares e ferroviárias;
- por Zona de Competência entende-se a zona limitada pelas linhas traçadas entre as estações de mercadorias de Pretoria, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp e Pretoria, conforme o mapa anexo a esta Convenção, ou qualquer outra zona determinada por acordo entre as duas administrações ferroviárias.

ARTIGO XXXIII.

Se, durante a vigência d'esta Convenção, a tonelagem das mercadorias importadas por via marítima pelo porto de Lourenço Marques para a zona de competência for inferior a cinquenta por cento ou superior a cinquenta e cinco por cento da tonelagem total do mesmo trafego importado para aquela zona de competência por via de todos os portos, qualquer das Administrações ferroviárias terá o direito de reclamar que sejam adoptadas medidas para cumprimento das disposições do Artigo XXXII, devendo então as duas Administrações tomar de mutuo acordo as providências necessárias.

Fica exceptuado, porém, o caso de qualquer diminuição na percentagem da tonelagem do dito trafego pelo porto de Lourenço Marques ser motivada por circunstâncias fóra da acção do Governo da União.

A não ser que por outra forma seja resolvido por mutuo acordo, os reajustamentos a fazer, nos termos d'este artigo, terão lugar

van ses maande, eindigende op die dertigste Junie en die een-en-dertigste Desember van elke jaar.

ARTIEKEL XXXIV.

As spoorwegtariewe vir die verkeer van Lourenço Marques na stasies in die Unie gewysig moet word, word sodanige wysiging deur die Suid-Afrikaanse Spoorweg- en Havoadministrasie (hierna verder genoem die S.A.S. en H.) na raadpleging met die Administrasie van Porto e C.F.L.M. aangebring.

Die Administrasie van die S.A.S. en H. moet, alvorens enige verandering aan te bring in die tariewe van enige hawe na sodanige stasies, die kwessie oorweeg of die verandering die hoeveelheid verkeer oor die hawe van Lourenço Marques nadelig sal beïnvloed.

Die bepaling van hierdie Artikel is eweneens van toepassing op tariewe geldende vir die verkeer na nuwe lyne wat binne die Unie na die inwerkingtrëding van hierdie Konvensie vir eksploitasie geopen word.

ARTIEKEL XXXV.

Onderworpe aan onderlinge ooreenkomste tussen die twee Spoorwegadministrasies, word die tariewe vir die produkte van die grond of van die nywerheid van Mosambiek en van die Unie wat vervoer word van die een land na die ander vir plaaslike verbruik, bereken op 'n deurgaande grondslag teen die vasgestelde S.A.S.-tariewe, wat van tyd tot tyd voorgeskryf word vir die vervoer van soortgelyke goedere oor die S.A.S. vir verbruik binne die Unie.

ARTIEKEL XXXVI.

Tensy anders tussen die twee Spoorwegadministrasies ooreengekom, mag die spoorwegtariewe voorgeskryf deur hulle vir die vervoer van goedere van S.A.S.-stasies, of oor die S.A.S. na Lourenço Marques, bestaen vir uitvoer oorsêe buite Suid-Afrika of Suidwes-Afrika, in geen geval die spoorwegtariewe van tyd tot tyd voorgeskryf vir die uitvoer van soortgelyke goedere, vervoer oor dieselfde afstande binne die Unie na enige Uniehawe te bowe gaan nie.

ARTIEKEL XXXVII.

Die verdeling van inkomste uit spoorwegtariewe vir die vervoer van goedere van S.A.S.-stasies na C.F.L.M.-stasies, en omgekeerd, word by onderlinge ooreenkomste tussen die twee Spoorwegadministrasies geroef, en by afwesigheid van 'n onderlinge ooreenkoms in ander sin, word verminderinge of vermeerderings in die inkomste, veroorsaak deur veranderinge in die spoorwegtariewe, verdeel tussen die twee Spoorwegadministrasies in verhouding tot die verdeling wat bestaan het voor sodanige verandering.

Die verdeling van 'n tarief geskied op die grondslag van gemiddelde persentasies, waartoe ooreengekom word, of op die van vasgestelde verhoudings. Beide Administrasies het die reg om te eis dat die verdelingsgrondslag van 'n tarief hersien moet word by tussenpose van minstens twaalf maande.

Wanneer goedere oorgebring is van een klas na 'n ander, word die tarief gevorder vir die vervoer van sodanige goedere verdeel op dieselfde grondslag as die verdeling van die tarief, onder welke dit oorgebring is.

ARTIEKEL XXXVIII.

Met betrekking tot invoer- en uitvoerverkeer van die Unie deur die hawe van Lourenço Marques, word die regte en heffings in die hawe van Lourenço Marques, vir sover dit uitvoerbaar is, gehê in dieselfde vorm as die regte en heffings wat van tyd tot tyd van krag is in die hawens van die Unie, met die verstande dat, tensy dit anders onderling ooreengekom is, die regte en heffings soortgelyke heffings by Uniehawens nie mag oorskry nie.

ARTIEKEL XXXIX.

In onderhandelings met 'n stoomvaartmaatskappy onderneem die Regering van die Unie om, indien en wanneer die Regering van Mosambiek dit vra, stappe te doen om die posisie van Lourenço Marques in sy verhouding tot die Unie as 'n hawe van invoer en uitvoer vir daardie gedeelte van die Unie, wat deur hom bedien word, te bespreek.

ARTIEKEL XL.

'n Raad van Advies word deur die Regering van Mosambiek in die lewe geroep, die werksamhede waarvan sal wees om ooreweging te verleen aan, en advies te gee in verband met, die beste middels om die uitvoer van goedere van daardie gedeelte van die Unie, wat natuurlikwyse bedien word deur die hawe van Lourenço Marques, te bevorder.

periods of six months, ending on the thirtieth of June and the thirty-first of December of each year.

ARTICLE XXXIV.

If railway rates on traffic from Lourenço Marques to stations in the Union are to be altered, such alteration shall be arranged by the South African Railways and Harbours Administration (hereinafter called the S.A.R. and H.) after consultation with the Porto e C.F.L.M. Administration.

The S.A.R. and H. Administration shall, before effecting any alteration in the rates from any port to such stations, give consideration to the question as to whether the alteration may be detrimental to the volume of traffic passing through the Port of Lourenço Marques.

The provisions of the present Article are likewise applicable in the case of rates on traffic to new lines opened for working within the Union after this Convention comes into force.

ARTICLE XXXV.

Subject to mutual agreement between the two Railway Administrations, the rates for any of the products of the soil or of the industry of Mozambique and of the Union, conveyed from one country to the other for local consumption shall be calculated on a throughout basis at the S.A.R. scheduled rates prescribed from time to time for the carriage of goods of the same description over the S.A.R. for consumption within the Union.

ARTICLE XXXVI.

Unless otherwise mutually agreed upon between the two Railway Administrations, the railway rates prescribed by them on traffic from S.A.R. stations, or via the S.A.R., to Lourenço Marques for export overseas beyond South or South-West Africa, shall in no case exceed the railway rates prescribed from time to time for similar traffic carried like distances within the Union to any Union port for export.

ARTICLE XXXVII.

The division of receipts derived from railway rates charged for the carriage of goods traffic from S.A.R. stations to C.F.L.M. stations, and vice versa, shall form the subject of mutual agreement between the two Railway Administrations; and, unless otherwise mutually agreed upon, reductions or increases in the receipts occasioned by alterations in the railway rates shall be shared by the two Administrations in proportion to the division existing before any such alteration.

The division of any rate shall be on the basis of agreed average percentages or by means of fixed proportions. Either Administration shall have the right to claim that the basis of division of any rate shall be reviewed at intervals of not less than twelve months.

When goods have been transferred from one class to another, the rate charged for the carriage of such goods shall be divided on the same basis as the division of the rate to which they have been transferred.

ARTICLE XXXVIII.

With regard to import and export traffic of the Union passing through the Port of Lourenço Marques, the Dues and Charges at the Port of Lourenço Marques shall, as far as practicable, be levied in the same form as the Dues and Charges operating from time to time at the Harbours of the Union, provided that, unless otherwise mutually agreed upon, the dues and charges shall not exceed similar charges at Union ports.

ARTICLE XXXIX.

The Union Government undertakes, if and when requested by the Government of Mozambique, in any negotiations with any Shipping Company, to take steps to discuss the position of Lourenço Marques in its relation to the Union as a harbour dealing with import and export traffic of that portion of the Union served by that port.

ARTICLE XL.

An Advisory Board shall be established by the Government of Mozambique, the functions of which shall be to consider and advise as to the best means of furthering the export of traffic from that portion of the Union naturally served by the Port of Lourenço Marques.

de seis em seis meses, devendo a percentagem da tonelagem ser calculada por períodos de seis meses, que terminam em 30 de Junho e 31 de Dezembro.

ARTIGO XXXIV.

Se as tarifas ferro-viarias aplicadas ao tráfego de Lourenço Marques para as estações da União tiverem de ser alteradas, as alterações serão feitas pela Administração dos South African Railways and Harbours (adeante denominada S.A.R. & H.) mediante prévia consulta à Administração de Porto e C.F.L.M. A Administração dos S.A.R. & H., antes de efectuar qualquer alteração nas tarifas de qualquer porto para as referidas estações, tomará em consideração o prejuízo que possa advir d'essa alteração para o volume do tráfego importado pelo porto de Lourenço Marques.

Estas disposições são analogamente applicáveis as tarifas a fixar para novas linhas abertas à exploração na União depois d'esta Convenção entrar em vigor.

ARTIGO XXXV.

A não ser que por outra forma seja resolvido entre as duas Administrações, as tarifas a aplicar aos produtos do solo ou da industria de Moçambique e da União, transportados de um país para o outro para consumo local, serão calculadas em todo o percurso pelas tarifas constantes das tabelas que forem sendo estabelecidas pelos S.A.R. & H. para o transporte de mercadorias da mesma natureza nos S.A.R. para consumo dentro da União.

ARTIGO XXXVI.

A não ser que por outro modo seja resolvido por acordo entre as duas Administrações ferro-viarias, as tarifas por elas fixadas para o tráfego das estações dos S.A.R. ou via S.A.R., com destino a Lourenço Marques para exportação por via marítima, que não seja para a África do Sul ou para o Sudoeste Africano, não serão em caso algum superiores às tarifas que forem sendo fixadas para tráfego similar transportado a eguaes distancias dentro da União com destino a ser exportado por qualquer dos seus portos.

ARTIGO XXXVII.

A partilha das receitas produzidas pelas tarifas ferro-viarias aplicadas ao transporte de mercadorias das estações dos S.A.R. para as dos C.F.L.M., e vice-versa, constituirá objecto de acordo mutuo entre as duas Administrações, ficando entendido, salvo outra resolução, que as diminuições ou aumentos nas receitas motivados por alterações nas tarifas ferro-viarias serão divididos pelas duas Administrações na mesma proporção em que se fazia a partilha antes de taes alterações.

A divisão de qualquer tarifa será feita na base de percentagens medias a fixar por acordo ou na base de partilhas fixas. Qualquer das Administrações terá o direito de reclamar que seja revista a base da divisão de qualquer tarifa em períodos não inferiores a doze meses.

Quando houver transferencia de mercadorias de uma classe da tarifas para outra, a tarifa applicavel ao transporte de taes mercadorias será partilhada na base de divisão da tarifa para a qual tenham sido transferidas.

ARTIGO XXXVIII.

Os impostos e encargos do Porto de Lourenço Marques no tráfego de importação e exportação da União terão, quanto possível, a mesma forma de incidencia que os impostos e encargos que vigorarem nos portos da União, ficando entendido que, a não ser que por outra forma seja mutuamente resolvido, o quantitativo d'esses impostos não excederá o dos imposto e encargos similares dos portos da União.

ARTIGO XXXIX.

O Governo da União, quando solicitado pelo Governo de Moçambique, obriga-se a discutir, em quaisquer negociações com Companhias de Navegação, a situação de Lourenço Marques relativamente à União como porto de importação e exportação do tráfego da parte da União que ele serve.

ARTIGO XL.

O Governo de Moçambique instituirá um Conselho Consultivo cuja função será estudar e recomendar os melhores meios para desenvolver a exportação dos produtos oriundos da parte da União naturalmente servida pelo porto de Lourenço Marques.

Die Regering van die Unie word deur die Regering van Mosambiek gevra om die Raad van Advies te benoem drie lede, wat die nywerheid, handel en landbou van die Unie, of sodanige ander belange as die Regering van die Unie van tyd tot tyd mag bepaal, verteenwoordig.

Afakrifte van die notule van die werksaamhede van die Raad en alle verslae opgedra deur die Raad moet in Engels of Afrikaans aan die Regering van die Unie verstrek word binne veertien dae na elke vergadering van die Raad of na die indiening van 'n verslag deur die Raad by die Regering van Mosambiek.

ARTIKEL XLII.

Aangaande alle ander sake rakende die twee Spoorwegadministrasies, waarvoor geen voorsiening in hierdie Konvensie gemaak is nie, sal die Direkteur van die Porto e C.F.L.M. en die Hoofbestuurder van die S.A.S. en H. gereedlik mekaar raadpleeg, en alle sodanige sake word van tyd tot tyd by ooreenkoms tussen die twee Spoorwegadministrasies gereël.

ARTIKEL XLIII.

As die Bestuur van die gebied, bekend as Swasieland, oorgedra word aan die Unie in ooreenstemming met Artikel 151 van die Suidafrika Wet, 1909, onderneem die Regering van die Unie om die Spoorweg- en Haweraad van die Unie te versoek om oorweging te verleen aan, en verslag uit te bring oor, die vraag van spoorwegfasiliteite in die gebied van Swasieland, insluitende die verskaffing van spoorwegverbinding met die bestaande spoorweglyn van Lourenço Marques in die rigting van Swasieland.

ARTIKEL XLIII.

Vir die doel van besuiniging en doeltreffendheid, word die lokomotiewe, treine en die treinpersoneel, wat daarvoor beheer bet, nie noodwendig beperk tot die lyne van die Administrasie, waaraan hulle behoort nie, maar kan hulle vir sover die twee Spoorwegadministrasies hieromtrent onderling ooreenkom, ook gebruik word oor die spoorweglyne van die ander Administrasie.

ARTIKEL XLIV.

Vir die doel van hierdie Konvensie beteken die Administrasie van die S.A.S. en H. en die Administrasie van die Porto e C.F.L.M. elke gesag aan wie die beheer van, en toesig oor, die spoorweë en hawena in die Unie en in Mosambiek onderskeidelik asdan opgedra is.

DEEL III.

DOEANE- EN HANDELSOMGANG.

ARTIKEL XLV.

Die Regering van die Unie en die Portugese Regering, wat Mosambiek aangaan, verleen aan mekaar oor en weer die behandeling van die mees begunstigde nasie, soos hieronder vermeld:—

Die produkte van die grond of van die nywerhede van die Unie, by invoer in Mosambiek, en omgekeerd die produkte van die grond of van die nywerhede van Mosambiek, by invoer in die Unie, sal nie onderhewig wees aan ander of hoër regte of heffings as die wat gehef word of mag word op dergelike produkte van enige ander land; met die verstande dat—

- produkte van die Unie nie op die doeaneregt, wat deur Mosambiek vergun word, of hierna vergun mag word, aan die produkte van Portugal, Madeira, die Asore en die Portugese kolonies sal geregtig wees nie;
- produkte van Mosambiek nie geregtig sal wees nie op sodanige minimum invoerregt of kortings as onder die wetgewing van die Unie vergun word, of hierna vergun mag word, ten aansien van produkte van Groot Brittanje en Noord-Ierland en van die Britse Vrygeweste, Kolonies of Besittings daarvandaan vir verbruik in die Unie ingevoer;
- produkte van Mosambiek nie geregtig sal wees nie op die voorregte wat verleen word aan die produkte van Suid- en Noord-Rhodesië en van die gebiede van Basutoeland, Swasieland en die van die Betsjoanaland-Protectoraat, ingevolge die doeaneooreenkomste, wat nou bestaan, of dergelike ooreenkomste wat hierna aangegaan mag word tussen die Regerings van die Unie en van die genoemde lande en grondgebiede;

The Union Government shall be invited by the Government of Mozambique to nominate three members on the Advisory Board representative of the industry, commerce, and agriculture of the Union or of such other interests as the Union Government may from time to time determine.

Copies of the Minutes of the proceedings of the Board and all reports prepared by the Board shall be furnished to the Union Government, in the English or Afrikaans language, within fourteen days of any meeting of the Board or the submission of any report by the Board to the Government of Mozambique.

ARTICLE XLI.

With regard to all other matters affecting the two Railway Administrations, not provided for in this Convention, the Director of the Porto e C.F.L.M. and the General Manager of the S.A.R. and H. shall consult freely, and all such matters shall form the subject of agreement from time to time between the two Railway Administrations.

ARTICLE XLII.

The Union Government undertakes, should the Government of the territory known as Swaziland be transferred to the Union in accordance with Section 151 of the South Africa Act, 1909, to request the Railways and Harbours Board of the Union to consider and report upon the question of railway facilities in the territory of Swaziland, including the provision of railway connection with the existing railway line from Lourenço Marques in the direction of Swaziland.

ARTICLE XLIII.

For the purpose of economy and efficiency, the engines, trains, and running staffs in charge thereof, shall not necessarily be restricted to the lines of the Administration to which they belong, but may, so far as the two Railway Administrations mutually agree, be utilized over the railway lines of the other Administration.

ARTICLE XLIV.

For the purposes of this Convention, the Administration of the S.A.R. and H. and the Administration of the Porto e C.F.L.M. shall mean any authority in whom the management and control of the railways and harbours in the Union and in Mozambique, respectively, are for the time being vested.

PART III.

CUSTOMS AND COMMERCIAL INTERCOURSE.

ARTICLE XLV.

The Union Government and the Portuguese Government, so far as concerns Mozambique, shall grant to each other reciprocally the treatment of the most favoured nation, as hereinafter stated:—

The products of the soil or of the industries of the Union shall, on importation into Mozambique, and vice versa the products of the soil or of the industries of Mozambique shall, on importation into the Union, not be subject to other or higher duties or charges than those which are or may be levied on the like products of any other country; provided that—

- products of the Union shall not be entitled to the customs privileges which are or may hereafter be accorded by Mozambique to the products of Portugal, Madeira, the Azores, and the Portuguese colonies;
- products of Mozambique shall not be entitled to such minimum rates or rebates as under the legislation of the Union are or may hereafter be granted in respect of products of Great Britain and Northern Ireland and the British Dominions, Colonies, or Possessions when imported therefrom for consumption within the Union;
- products of Mozambique shall not be entitled to the privileges accorded to the products of Southern and Northern Rhodesia and of the territories of Basutoeland, Swaziland, and the Bechuanaland Protectorate, by virtue of the customs agreements now existing or agreements of a like nature hereafter concluded between the Governments of the Union and of the said countries and territories;

O Governo da União será convidado pelo Governo de Moçambique a indicar três membros para o Conselho Consultivo como representantes de industria, commercio e agricultura da União ou de outros ramos de actividade que o Governo da União julgue conveniente fazer representar para completo exito do seu objectivo. Das actas das reuniões do Conselho e dos seus relatorios serão enviadas ao Governo da União copias em inglês ou afrikaans, dentro do prazo de 14 dias a contar das datas das sessões ou da apresentação dos relatorios ao Governo de Moçambique.

ARTIGO XLI.

Em relação a todos os assuntos que afectem as duas Administrações ferro-viarias que não estejam previstos nesta Convenção, o Director do Porto e C.F.L.M. e o General Manager das S.A.R. & H. consultar-se-hão livremente, e todos estes assuntos farão objecto de acordos entre as duas Administrações.

ARTIGO XLII.

O Governo da União obriga-se, caso o Governo do territorio conhecido pelo nome de Swazilandia seja transferido para a União, nos termos do Artigo 151 do South African Act, 1909, a solicitar do Railways & Harbours Board of the Union que estude e relate o assunto de facilidades ferro-viarias no territorio da Swazilandia, incluindo uma ligação ferro-viaria com a actual linha que de Lourenço Marques se dirige aquelle territorio.

ARTIGO XLIII.

Para efeitos de economia e eficiencia, a circulação de locomotivas, comboios e respectivo pessoal não será necessariamente restricta ás linhas da Administração a que pertencem, podendo tanto quanto as duas Administrações mutuamente concordem, ser extensiva ás linhas da outra administração.

ARTIGO XLIV.

Para os efeitos d'esta Convenção entender-se-ha por Administração do Porto e C.F.L.M. e por Administração das S.A.R. & H. qualquer autoridade a quem a direcção e superintendencia dos caminhos de ferro e portos de Moçambique e da União sejam respectivamente e em qualquer tempo cometidas.

PARTE III.

ALFANDEGAS E INTERCAMBIO COMERCIAL.

ARTIGO XLV.

O Governo Português, em relação a Moçambique, e o Governo da União concedem-se reciprocamente o tratamento da nação mais favorecida, nas seguintes condições:—

Os productos do solo ou das industrias de Moçambique importados na União e, reciprocamente, os productos do solo ou das industrias da União importados em Moçambique, não ficam sujeitos a outros ou a mais elevados direitos ou encargos do que os que incidirem sobre productos de qualquer outro país, salvas as seguintes excepções:—

- Os productos da União importados em Moçambique não gosam do tratamento especial que seja concedido por Moçambique aos productos de Portugal, da Madeira, dos Açores e das Colonias Portuguezas;
- os productos de Moçambique não beneficiam das pautas minimas nem dos bonus (rebates) que a União conceda á importação para consumo de productos da Gran-Bretanha e da Irlanda do Norte, das Colonias e Possessões ou dos Dominios Britannicos;
- Os productos de Moçambique não beneficiam do tratamento especial que seja concedida pela União aos productos da Rhodesia do Sul e da Rhodesia do Norte, nem aos da Basutoelandia, da Swazilandia e do Protectorado da Bechuanalandia, por virtude dos acordos aduaneiros existentes ou que de futuro venham a fazer-se entre a União e os mesmos paises e territorios;

(d) die heffing van dumpingregte hetsy deur die Regering van die Unie, hetsy deur die Regering van Mosambiek in belang van 'n nywerheid binne die Unie of Mosambiek respektiewelik opgerig, nie as onbestaanbaar met die bepaling van hierdie konvensie behou sal word nie.

ARTIEKEL XLVI.

Die produkte van die grond of van die nywerhede van die Unie, in die aangehegte Bylae "B" uiteengesit, sal in Mosambiek toegelaat word sonder betaling van enige invoerrechte, en wederkeriglik sal die produkte van die grond of van die nywerhede van Mosambiek, in die aangehegte Bylae "A" uiteengesit, in die Unie toegelaat word sonder betaling van enige invoerrechte.

ARTIEKEL XLVII.

(a) In geval 'n aksyns of ander binnelandse reg in die Unie gehef word van soortgelyke produkte van die Unie as die in Bylae "A" vermeld, of, in Mosambiek, van soortgelyke produkte van Mosambiek as die in Bylae "B" vermeld, sal 'n ooreenstemmende reg of ekstrasbelasting by invoer gehef word van soortgelyke produkte van Mosambiek of van die Unie respektiewelik.

(b) By invoer in Mosambiek sal die produkte van die Unie in Bylae "B" vermeld, en by invoer in die Unie sal die produkte van Mosambiek in Bylae "A" vermeld, onderhewig wees aan die laagste munisipale of ander binnelandse belasting wat in Mosambiek en in die Unie, respektiewelik, gehef word of sal word.

ARTIEKEL XLVIII.

Alle produkte van die grond of van die nywerhede van die Unie sal by deurvoer deur Mosambiek, en alle produkte van die grond of van die nywerhede van Mosambiek, by deurvoer deur die Unie, vrystel wees van deurvoer-, uitvoer- of heruitvoerbelastinge in Mosambiek en in die Unie, respektiewelik, maar onderhewig bly aan hawegelde, en, in die geval van Mosambiek aan die belasting bekend as die handelsbydrae, aan vuurtoringgelde en seelregte, met die volgende voorbehoude:—

- (a) Die deurvoer deur, of heruitvoer van, Mosambiek van alle minerale, met insluiting van bunkersteenkool, wat die produkte van die Unie is, sal vry van invoer- of enige ander belastinge in Mosambiek wees;
- (b) Die deurvoer deur, of heruitvoer van, Mosambiek van goue munt na, of van, die grondgebied van die Unie sal vry van invoer- of enige ander belastinge in Mosambiek wees.

ARTIEKEL XLIX.

(a) Goedere van enige oorsprong of nasionaliteit wat in deurvoer is deur, of weer uitgevoer word van, die distrik Lourenço Marques en bestem is vir die Unie sal vry wees van alle deurvoer- en heruitvoerbelastinge in Lourenço Marques, behalwe van die handelsbydrae, vuurtoringgelde en seelregte.

(b) Goedere van enige oorsprong of nasionaliteit wat in deurvoer deur die Unie is, of weer uitgevoer word, en vir Mosambiek bestem is, sal vry wees van alle deurvoer- en heruitvoerbelastinge in die Unie.

ARTIEKEL L.

Goedere van enige oorsprong of nasionaliteit wat oor land van die Unie in die distrik Lourenço Marques aankom vir verskeping van Lourenço Marques sal vry wees van alle deurvoer- en heruitvoerbelastinge, behalwe vuurtoringgelde en seelregte.

ARTIEKEL LI.

(1) Goedere uit doeanepakhuisse en uit entrepotpakhuisse binne die distrik Lourenço Marques sal in die Unie toegelaat word na betaling van die belastinge wat in die Unie van krag is op die datum van inkom; en *ad valorem* regte sal bereken word op die waarde van die goedere in die land vanwaar hulle na Lourenço Marques uitgevoer is op die tyd van uitvoer.

(2) Sodanige goedere sal in Lourenço Marques vrystel wees van die betaling van enige deurvoer- of heruitvoerbelastinge, behalwe hawegelde, die handelsbydrae en seelregte.

(3) Invoerders van sodanige goedere in die Unie sal voldoende getuienis moet lewer om die doean van die Unie omtrent die waarde daarvan tevrede te stel, en ook enige informasie, wat nodig mag wees vir die beskerming van die inkomste van die Unie verskaf.

(d) the levying of dumping duties by either the Union Government or the Mozambique Government, in the interest of an industry established within the Union or Mozambique respectively, shall not be deemed to be incompatible with the provisions of this Convention.

ARTICLE XLVI.

The products of the soil or of the industries of the Union, as set forth in Schedule B annexed, shall be admitted into Mozambique without payment of any import duties, and reciprocally the products of the soil or of the industries of Mozambique, as set forth in Schedule A annexed, shall be admitted into the Union without payment of any import duties.

ARTICLE XLVII.

(a) In the event of any excise or other internal duty being imposed in the Union on any products of the Union similar to those specified in Schedule A, or in Mozambique on any products of Mozambique similar to those specified in Schedule B, a corresponding duty or surtax shall, on importation, be levied on the like products of Mozambique or of the Union respectively.

(b) The products of the Union specified in Schedule B, when imported into Mozambique and the products of Mozambique specified in Schedule A when imported into the Union, shall be liable to the lowest municipal or other internal taxes levied or to be levied in Mozambique and the Union respectively.

ARTICLE XLVIII.

All products of the soil or of the industries of the Union passing in transit through Mozambique, and all products of the soil or of the industries of Mozambique passing in transit through the Union, shall be exempt from transit, export, or re-export duties in Mozambique and the Union respectively, but shall remain liable to port charges, and in the case of Mozambique to the tax known as the commercial contribution, to lighthouse dues and stamp duties, subject to the following reservations:—

- (a) The transit through or re-exportation from Mozambique of minerals of all kinds, including coal for bunkers, being the products of the Union, shall be free of customs duties or any other taxes whatsoever in Mozambique;
- (b) The transit through or re-exportation from Mozambique of gold coin to or from the territory of the Union shall be free of customs duties and any other taxes whatsoever in Mozambique.

ARTICLE XLIX.

(a) Goods of any origin or nationality passing in transit through or re-exported from the district of Lourenço Marques and destined for the Union, shall be free of all transit and re-export duties in Lourenço Marques, except the commercial contribution, lighthouse dues, and stamp duties.

(b) Goods of any origin or nationality passing in transit through or re-exported from the Union and destined for Mozambique shall be free of all transit and re-export duties in the Union.

ARTICLE L.

Goods of any origin or nationality arriving in the district of Lourenço Marques from the Union by land for shipment from Lourenço Marques, shall be free of all transit and re-export duties, except lighthouse dues and stamp duties.

ARTICLE LI.

(1) Goods ex customs warehouses and ex bonded warehouses within the district of Lourenço Marques shall be admitted into the Union upon payment of the duties in force in the Union at the time of entry thereto, *ad valorem* duties to be assessed on the value of the goods in the country whence exported to Lourenço Marques at the time of exportation.

(2) Such goods shall be exempt in Lourenço Marques from the payment of any transit or re-export duties, except port charges, the commercial contribution and stamp duties.

(3) Importers of such goods into the Union will be required to produce sufficient evidence to satisfy the Union customs as to their value and also to furnish any other information which may be required for the protection of the revenue of the Union.

(d) Não é incompatível com as disposições desta Convenção o lançamento de sobretaxas aduaneiras (dumping duties), tanto por parte de Moçambique como da União, com o fim de proteger as indústrias estabelecidas nos respectivos territórios.

ARTIGO XLVI.

Os productos do solo ou das indústrias de Moçambique constantes da Tabela A são isentos de quaisquer direitos de importação na União e, reciprocamente, os productos do solo ou das indústrias da União constantes da Tabela B são isentos de quaisquer direitos de importação em Moçambique.

ARTIGO XLVII.

(a) No caso de na União ser lançado algum imposto de consumo ou outro de caracter interno sobre productos da União similares aos especificados na Tabela A, ou em Moçambique, sobre productos de Moçambique similares aos especificados na Tabela B, será lançado um imposto correspondente ou sobre-taxa, na importação dos productos, respectivamente, de Moçambique ou da União.

(b) Os productos de Moçambique especificados na Tabela A, importados na União, e os productos da União, especificados na Tabela B, importados em Moçambique, ficam sujeitos ás taxas mínimas municipais ou outras internas que sejam cobradas na União ou em Moçambique, respectivamente.

ARTIGO XLVIII.

Os productos do solo ou das indústrias de Moçambique, em transitio pela União, e productos do solo ou das indústrias da União, em transitio por Moçambique, são isentos de direitos de transitio, de exportação e de re-exportação na União e em Moçambique, respectivamente, mas ficam sujeitos aos encargos do porto e, além d'estes, em Moçambique, á contribuição comercial, ao imposto de farolagem e de selo, ficando contudo isentos de quaisquer direitos aduaneiros ou taxas de qualquer natureza:—

- (a) O transitio ou re-exportação por Moçambique de minérios de todas as qualidades, originários da União, incluindo carvão para consumo dos navios;
- (b) O transitio ou re-exportação por Moçambique de ouro amoldado procedente da União ou a ella destinado.

ARTIGO XLIX.

(a) As mercadorias de qualquer origem ou nacionalidade, em transitio ou re-exportação pelo distrito de Lourenço Marques, com destino á União, são isentas de quaisquer direitos de transitio ou de re-exportação em Lourenço Marques; mas ficam sujeitas á contribuição comercial e aos impostos de farolagem e de selo.

(b) As mercadorias de qualquer origem ou nacionalidade, em transitio ou re-exportação pela União, com destino a Moçambique são isentas na União de quaisquer direitos de transitio ou de re-exportação.

ARTIGO L.

As mercadorias de qualquer origem ou nacionalidade que vierem da União, por via terrestre, para o distrito de Lourenço Marques, a fim de serem embarcadas em Lourenço Marques, são isentas de quaisquer direitos de transitio e de re-exportação, mas ficam sujeitas aos impostos de farolagem e de selo.

ARTIGO LI.

(1) As mercadorias que saírem dos armazens da Alfândega ou dos armazens Alfandegados do distrito de Lourenço Marques para entrarem na União, ficam sujeitas aos direitos de importação que ali estiverem em vigor, á data da sua entrada, sendo os direitos *ad valorem* calculados sobre o valor das mercadorias no paiz exportador na data em que foram exportadas para Lourenço Marques.

(2) As mercadorias acima referidas são isentas em Lourenço Marques de quaisquer direitos de transitio ou de re-exportação, ficando, contudo, sujeitas ao pagamento dos impostos e encargos do porto, da contribuição comercial e de selo.

(3) Os importadores destas mercadorias na União tem que apresentar prova bastante acerca do seu valor que satisfaça as Alfândegas da União, devendo prestar tambem todas as informações que lhes forem exigidas para salvaguarda das receitas da União.

ARTIEKEL LII.

Die Regerings van die Unie en Mosambiek onderneem om die onderlinge handelverkeer nie deur die oplegging van verbodsbepalings of besondere beperkings op die invoer in, of uitvoer van, hulle respektiewe grondgebiede te belemmer nie. Uitsonderings kan gemaak word—

- (1) ter wille van die publieke veiligheid of volksgesondheid en op morele en mensiewende gronde;
- (2) terwille van die beskerming van diere en plante teen siekte, insekte en skadelike parasiete, of vir hulle bewaring teen ontarting of uitsterwing;
- (3) ten aansien van wapens, ammunisie en krygsmateriaal, en, onder buitengewone omstandighede, ander militêre voorrade;
- (4) ten aansien van die uitvoer van nasionale skatte van artistieke, historiese of oudheidkundige waarde;
- (5) ten aansien van goedere wat voorwerpe van 'n Staatsmonopolie is of mag word;
- (6) ten aansien van goedere in 'n gevangenis of strafgevangenis gemaak;
- (7) deur die toepassing op ingevoerde produkte van die verbode of beperkings wat opgelê word, of mag word, ten aansien van die produksie, verkoop, vervoer of gebruik van soortgelyke plaaslike produkte;
- (8) deur die uitvoer van hulle produkte aan sekere voorwaardes te onderwerp met die doel om die gehalte te verseker en om die goeie naam van daardie produkte te behou, en ter selfder tyd 'n waarborg aan die buitelandse kopers te verskaf;

met die voorbehoud dat sodanige verbode of beperkings ter selfder tyd en op dieselfde manier en in dieselfde mate toegepas sal word op ander lande waar soortgelyke gronde bestaan vir die toepassing van sodanige maatreëls, en met die verdere voorbehoud dat hulle nie 'n vermoede beperking op die onderlinge handel uitmaak nie.

DEEL IV.

GEMENGEDE BEPALINGS.

ARTIEKEL LIII.

Met betrekking tot die bepaling van hierdie Konvensie onderneem die Unie Regering en die Portugese Regering—

- (a) om alle maatreëls te neem en alle wette te pasweer wat nodig mag wees vir die getroue nalewing van die Artikels hierin vervat;
- (b) geen maatreëls te neem en geen wette te pasweer wat die uitwerking daarvan mag vernietig of verminder nie.

ARTIEKEL LIV.

Hierdie Konvensie sal van krag wees vir 'n tydperk van 10 jaar van die datum van ondertekening en sal daarna van krag bly tot na die afloop van 12 maande van die datum af waarop een van die Regerings dit opgesê het; met die verstande dat dit 5 jaar na datum van ondertekening elke Regering vry sal staan om 'n hersiening van die terme daarvan te eis, waarna, by gebreke van wedersydse ooreenkoms, die Konvensie sal vervel ses maande na datum van ontvangs van kennisgewing van beëindiging.

ARTIEKEL LV.

Jare en maande waarna verwys word in die bepaling van hierdie Konvensie sal altyd kalenderjare en maande beteken, tensy iets anders uitdruklik bepaal is.

ARTIEKEL LVI.

Elke geskil wat mag rys in verband met die nitleg of die toepassing van hierdie Konvensie en wat nie besleg kan word deur direkte onderhandelings tussen die Regering van die Unie en die Portugese Regering nie sal onderwerp word aan arbitrasie en vir hierdie doel sal die Regering van die Unie as Arbitrer aanstel die Hoofregter van die Hooggeregshof van Suid-Afrika en die Portugese Regering die Regter-President van die Hof van Appel van Mosambiek. Indien die Regters vermeld nie in staat is om tot 'n gemeenskaplike beslissing te geraak nie, sal hulle gesamentlik 'n Skeidsregter kies. Indien hulle ten aansien van so 'n aanstelling geen ooreenstemming kan bereik nie, sal die President van die Hoë Hof van Internasionale Regspraak in Den Haag gevra word om die nodige aanstelling te maak. Die prosedure sal wees *ex aequo et bono* en in ooreenstemming met die terme van submitisie, waaromtrent die Partye in elke besondere geval moet ooreenkom.

ARTICLE LII.

The Governments of the Union and Mozambique undertake not to impede the mutual trade by the imposition of any prohibitions or special restrictions upon imports into or exports from their respective territories, but exceptions may be made—

- (1) in consideration of the public safety, or public health, and on moral or humanitarian grounds;
- (2) in consideration of the protection of animals and plants against disease, insects and harmful parasites, or for their preservation from degeneration or extinction;
- (3) in respect of arms, ammunition and implements of war, and, under exceptional circumstances, other military supplies;
- (4) in respect of the export of national treasures of artistic, historic or archaeological value;
- (5) in respect of goods which are or may be objects of a State monopoly;
- (6) in respect of prison- or penitentiary-made goods;
- (7) in extending to imported products the prohibitions or restrictions which are or may be imposed in respect of the production, sale, transport or consumption of similar local products;
- (8) in subjecting the exportation of their products to certain conditions with a view to ensuring the quality and preserving the reputation of those products, and at the same time offering a guarantee to the foreign purchaser;

provided that such prohibitions or restrictions are applied at the same time and in the same manner and to the same extent to other countries in regard to which like grounds for applying such measures exist, and provided further that they do not constitute a disguised restriction on the mutual trade.

PART IV.

MISCELLANEOUS.

ARTICLE LIII.

With respect to the provisions of this Convention the Union Government and the Portuguese Government undertake—

- (a) to adopt all measures and to enact all laws that may be necessary for the exact fulfilment of the Articles herein contained;
- (b) not to adopt measures and not to enact laws annulling or diminishing its effects.

ARTICLE LIV.

This Convention shall be in force for a period of 10 years from the date of the signing thereof and shall thereafter remain in force until the expiration of 12 months from the date on which either of the Governments shall have denounced it; provided that five years after the date of the signing thereof it shall be open to either Government to call for a revision of its terms, whereupon in default of mutual agreement, the Convention shall lapse six months after the date of receipt of notice of termination.

ARTICLE LV.

Years and months referred to in the provisions of this Convention shall always be calendar years and months, save in so far as they may be otherwise specified.

ARTICLE LVI.

Any dispute that may arise relative to the interpretation or the carrying out of the Convention, and that cannot be settled by direct negotiations between the Union Government and the Portuguese Government shall be submitted to arbitration and to this end the Union Government will appoint as Arbitrer the Chief Justice of the Supreme Court of South Africa and the Portuguese Government the Judge President of the Court of Appeal of Mozambique. If the Judges aforesaid are unable to reach a joint decision they shall together elect an umpire. If no appointment can be mutually agreed upon by them, the President of the High Court of International Justice at The Hague shall be requested to make the necessary appointment. The procedure shall be *ex aequo et bono* and in accordance with the terms of submission to be agreed upon in respect of each particular case.

ARTIGO LII.

Os Governos de Moçambique e da União obrigam-se a não pôr impedimentos ao intercâmbio comercial dos dois países pela imposição de proibições ou restrições especiais à importação ou exportação dos respectivos territórios, com excepção do que respeita a:

- (1) Segurança publica e Saude Publica; e motivos de ordem moral e humanitária;
 - (2) protecção de animais e plantas contra doenças, insectos e parasitas nocivos, ou para evitar a sua degenerescência ou extinção;
 - (3) armas, munições e material de guerra e, em circunstâncias excepcionais, outros artigos militares;
 - (4) exportação de thesouros nacionais de valor artistico, historico ou arqueologico;
 - (5) mercadorias monopolisadas pelo Estado;
 - (6) mercadorias fabricadas nas prisões ou penitenciarías;
 - (7) importação de mercadorias cuja produção, venda, transporte ou consumo no país importador seja proibida ou limitada;
 - (8) imposição de condições respeitantes à exportação de certos productos para garantir a sua qualidade, a conservação, bom nome e, ao mesmo tempo, para salvaguarda dos interesses dos compradores no estrangeiro.
- (a) As medidas prohibitivas ou restrictivas do commercio acima mencionadas, só poderão adoptar-se quando forem applicadas ao mesmo tempo, da mesma maneira e na mesma amplitude a outros países onde prevaleçam motivos analogos que as justifiquem e, em caso algum, poderão constituir uma restrição disfarçada do intercâmbio entre Moçambique e a União.

PARTE IV.

DISPOSICOES DIVERSAS.

ARTIGO LIII.

Em relação às disposições desta Convenção, o Governo Português e o da União obrigam-se:

- (a) A adoptar todas as disposições e a promulgar todas as medidas legais necessárias para o seu exacto cumprimento;
- (b) a não adoptar disposições nem a promulgar medidas legais que anulem ou diminuam os seus efeitos.

ARTIGO LIV.

Esta Convenção vigorará por um periodo de dez anos, a contar da data da sua assinatura, mas continuará em vigor, depois desse periodo, até expirar o prazo de um ano, contado da data em que qualquer dos Governos a denunciar; mas, cinco anos a contar da assinatura, poderá qualquer dos Governos pedir a revisão das suas clausulas, e, não havendo accordo sobre a revisão, a Convenção expirará no prazo de seis meses a contar da data da notificação para esse efeito.

ARTIGO LV.

Os anos e meses referidos nas disposições desta Convenção serão sempre contados pelo calendario a menos que por outra forma seja especificado.

ARTIGO LVI.

Todas as divergencias que se suscitarem relativamente a interpretação ou a execução desta Convenção e que não possam ser resolvidas por negociações directas entre o Governo Português e o Governo da União, serão submetidas a arbitragem, nomeando o Governo Português para esse efeito seu arbitro o Juiz Presidente do Tribunal da Relação de Moçambique e o Governo da União o Juiz Presidente do Supremo Tribunal da Africa do Sul. Se estes dois Juizes não chegarem a accordo, escolherão um arbitro de desempate, e, se não houver entendimento sobre esta escolha, o Presidente do Tribunal Permanente de Justiça Internacional da Haia será solicitado para fazer a necessaria nomeação. O julgamento far-se-há *ex aequo et bono* e nos termos do compromisso arbitral que se ha de celebrar para cada caso.

BY James E. Vanders DATE 7/21/65

ARTIKEL LVII.

Nieteenstaande iets vervat in Artikel LIV met betrekking tot die inwerkingtreding van hierdie Konvensie van die datum van tekening af, sal die bepalinge van Artikels XLV en LI alleen in werking tree na uitwisseling van ratifikasies, welke uitwisseling van ratifikasies plaas sal hê sonder onnodige vertraging op Lissabon.

Ter oorkonde waarvan die Verteenwoordigers van die respektiewe Regerings die teenwoordige Konvensie geteken en hulle seëls daaraan geheg het.

Gedaan op Pretoria in tripikaat in Afrikaanse, Engelse en Portugese tekste op die Elfde dag van September 1928.

N. C. HAVENGA.

O. W. MALAN.

F. W. BEYERS.

JOSÉ RICARDO PEREIRA CABRAL.

CARLOS DE SA CARNEIRO.

JOSÉ D'ALMADA.

BYLAE A.

Bone, gedroog.
Byewas.
Kokosnot.
Gedroogde kokosnot.
Vis, vars en bevries.
Vrugte, vars.
Huide en velle, onbewerk.
Kafferkoring, in die korrel.
Wortelboombas en ekstrak.
Maniokwortel, meel en styfseel.
Giers, in die korrel.
Oliekeek en oliemeel, vir voer van vee.
Olies, van plante (behalwe van katoensaad).
Oliesaad (behalwe grondboontjies).
Uie, nie ingeleg nie.
Aardappels.
Ryn.
Sisalvesel.
Tapioka.
Timmerhout, gesaag, met insluiting van mynstutte en spoorwegdwarsleërs.
Houtskool.

BYLAE B.

Diere vir aanteldoeleindes. Alle soorte.
Diere, lewende, naamlik perde, muile, akape en bokke.
Asbes.
Gars, in die korrel.
Botter, vars.
Kaas.
Steenkool.
Springstowwe.
Misstowwe.
Vis, vars of bevries.
Vrugte, vars.
Voer en lusern.
Hoenders en eende, lewend.
Huide en velle, onbewerk.
Hawer, in die korrel of gebreek en hawer-meel.
Uie, nie ingeleg nie.
Plante en bome vir aanplanting.
Aardappels.
Saad vir saaidoeleindes.
Swawelsuur.
Groente, vars.

ARTICLE LVII.

Notwithstanding anything contained in Article LIV as to the coming into force of this Convention from the date of the signing thereof, the provisions of Articles XLV and LI shall only come into operation after the exchange of ratifications, such exchange of ratifications to take place at Lisbon without undue delay.

In witness whereof the representatives of the respective Governments have signed the present Convention and have affixed thereto their seals.

Done at Pretoria in triplicate in English, Afrikaans and Portuguese texts on the Eleventh day of September, 1928.

N. C. HAVENGA.

C. W. MALAN.

F. W. BEYERS.

JOSÉ RICARDO PEREIRA CABRAL.

CARLOS DE SA CARNEIRO.

JOSÉ D'ALMADA.

SCHEDULE A.

Beans, dried.
Beeswax.
Coconuts.
Copra.
Fish, fresh or frozen.
Fruits, fresh.
Hides and skins, raw.
Kaffir corn, in the grain.
Mangrove bark and extract.
Manioc in the root, manioc flour and manioc starch.
Millet, in the grain.
Oilcake and oilmeal, for stock food.
Oils, vegetable (except from cotton-seed).
Oilseeds (except ground-nuts).
Onions, not preserved.
Potatoes.
Rice.
Sisal fibre.
Tapioca.
Timber, rough-sawn, including mine props and railway sleepers.
Vegetable charcoal.

SCHEDULE B.

Animals for breeding purposes—all kinds.
Animals, living, viz.: horses, mules, sheep and goats.
Asbestos.
Barley, in the grain.
Butter, fresh.
Cheese.
Coal.
Explosives.
Fertilizers.
Fish, fresh or frozen.
Fruits, fresh.
Fodder and lucerne.
Fowls and ducks, living.
Hides and skins, raw.
Oats, in the grain or crushed, and oatmeal.
Onions, not preserved.
Plants, and trees for planting.
Potatoes.
Seeds for sowing.
Sulphuric acid.
Vegetables, fresh.

ARTIGO LVII.

O disposto no Artigo LIV, no que se refere á entrada em vigor desta Convenção a contar da data da sua assinatura, não é aplicável aos Artigos XLV e LI, que só entrarão em vigor depois da troca das ratificações, que deve ter lugar em Lisboa no mais curto prazo possível.

Em fé do que os representantes dos dois governos firmam a presente Convenção, a qual apuzeram os respectivos selos.

Feita em Pretoria, em triplicado e em Português, Afrikaans e Inglês, aos onze dias do mês de Setembro de mil novecentos e vinte e oito.

JOSÉ RICARDO PEREIRA CABRAL.

CARLOS DE SA CARNEIRO.

JOSÉ D'ALMADA.

N. C. HAVENGA.

C. W. MALAN.

F. W. BEYERS.

PRODUTOS DO SOLO E DA INDUSTRIA DA COLONIA DE MOCAMBIQUE LIVRES DE DIREITOS DE ENTRADA NA UNIAO DA AFRICA DO SUL.

TABELA A.

Arroz.
Bagagos oleaginosos em bolos ou moidos para alimentação do gado.
Batatas.
Carvão vegetal.
Casca de mangal e extractos.
Cebolas, excepto em conserva.
Cera.
Cocos.
Copra.
Feijão seco.
Fibras de sisal.
Frutas verdes.
Madeira em Bruto, e a simplesmente serrada, Madeira em estacas para minas e travessas para caminhos de ferro.
Mandioca em bruto, farinha de mandioca e goma de mandioca.
Mapira, em grão.
Mexocira, em grão.
Oleos vegetais, excepto os de algodão.
Peixe fresco ou congelado.
Pele e couros em bruto.
Sementes oleaginosas, excepto amendoim.
Tapioca.

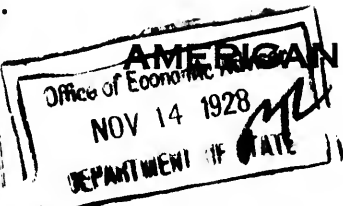
PRODUCTOS DO SOLO E DA INDUSTRIA DA UNIAO DA AFRICA DO SUL, LIVRES DE DIREITOS DE ENTRADA NA COLONIA DE MOCAMBIQUE.

TABELA B.

Animais vivos para procreação, de qualquer especie.
Animais vivos: cavalar, mular, lanigero e caprino.
Acido sulfurico.
Adubos.
Asbestos.
Aveia em grão, triturada ou em farinha.
Batatas.
Carvão de pedra.
Cebolas, excepto em conserva.
Cevada, em grão.
Explosivos.
Forragens e lusernas.
Frutas verdes.
Galinhas e patos, vivos.
Legumes verdes.
Manteiga fresca.
Peixe fresco e congelado.
Pele e couros em bruto.
Plantas e arvores para plantar.
Queijo.
Sementes para cultura.

In quintuplicate.

No. 42.



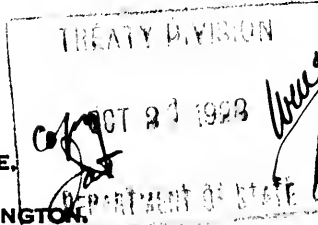
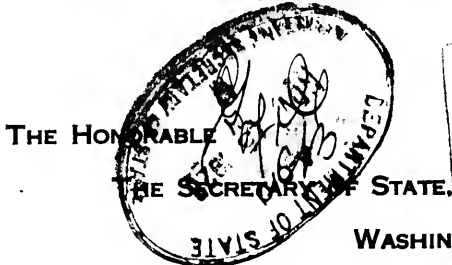
AMERICAN CONSULATE,

Lourenço Marques, Portuguese East Africa

September 20, 1928

SUBJECT: New Mozambique Convention signed at Pretoria.

1-1055 GPO



SIR:

I have the honor to report that a new Convention between Portugal and the Union of South Africa was signed at Pretoria on September 11, to take effect from that date. Subsequent ratification by the Portuguese Cabinet and the Union Parliament is necessary, although this is considered as a matter of course. The signatories on behalf of the Union were Mr. Havenga, Minister of Finance, Mr. Malan, Minister of Railways and Harbours and Mr. Beyers, Minister of Mines and Industries; while those on behalf of Portugal were Colonel Cabral, Governor General of Mozambique; Colonel Sá Carneiro and Senhor Almada, Under Director of the Ministry for the Colonies. The Convention was signed in Portuguese, English and Afrikaans and appeared in the three languages in the special supplement of the BOLETIM OFICIAL of this Province, No. 37 of September 19, 1928. Copies of these have already been despatched to the Department.

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-2-

The Convention differs from the old Mozambique Transvaal Convention and takes the place of the agreement between the two countries of March 31, 1928, renewing that part of the old Convention relating to native labor. There have been essential changes as regards restrictions on Portuguese natives emigrating to the Rand, deferred pay for Mozambique, and railway rates between the two countries.

Portuguese Success.

The details of the Convention as drawn up at Pretoria follow closely the headings of the agreement signed at Lisbon last May. These headings were distinctly favorable to the Portuguese, who went to Pretoria determined that they should not be changed. Their success in this respect gave the Portuguese negotiators what may be considered a signal victory in ensuring the economic future of their port and a substantial revenue from their natives on the Rand. In return the Union was given a restricted number of Portuguese natives for their mines. The essence of the Convention therefore is that in return for a restricted supply of Mozambique natives the Union has pledged itself to treat the port of Lourenço Marques as its natural port on a basis of equal opportunity with other ports of the Union. Thus for reasons of economic necessity political barriers between the two countries have been dispensed with. The Convention may be considered as not only a milestone in the history but as a very important step in the

-development-

-3-

development of the east coast of Africa.

Reasons for Portuguese Advantages.

Whereas the Portuguese may be said to have won their main point, the economic future of their port, the Union did not come off so well with its principal aim, namely, to avoid any restriction of labor which would limit its chief industry - the gold mines. The Portuguese were able to secure such good terms, first because the Union had no other source to which it could conveniently turn for labor, and second because the Portuguese delegates were better negotiators. They played their trump card successfully, claiming at the same time that their surplus labor would be needed for internal development and that the emigration of their natives was a sacrifice which needed compensation. It must be remembered that this emigration of Portuguese natives, supposedly a sacrifice, has in the past remunerated the Mozambique Government over £200,000 with additional purchasing power for the country of about £400,000.

On the authority of one present at the Pretoria negotiations themselves it appears that the Portuguese delegates presented a unified front while the Union ministers acted with surprising independence of each other.

Situation in the Union.

The benefit from the Convention cannot be considered as one-sided. The Union press, while lamenting the

-labor-

-4-

labor restrictions, shows relief that the present supply will be forthcoming even though it is to be diminished to 80,000 in five years. By using Lourenço Marques as its natural port, the Transvaal will undoubtedly experience considerable saving in rates and easy transportation. However, this will be effected only at a corresponding loss to Durban and other Union ports, some of whose traffic will have been diverted to Lourenço Marques. Transvaal fruit, e.g., will be exported through Lourenço Marques rather than through Cape Town or Durban, hitherto the case. The Union will also have the distinct advantage in the principal of free trade between the two countries as defined in article XLV. In any discussion of the benefits of the Convention it should not be forgotten that the prosperity of Lourenço Marques as a port for the Transvaal depends on the prosperity of the mines there. It is argued by the Union that to restrict native labor for these mines will ultimately affect Lourenço Marques with a correspondingly restricted transit trade. The restriction on native emigration will also mean less revenue to this province, although it is to be supposed that this loss will be made up in the increase of traffic through the port.

Future of Rand Labor.

Before the Convention there was considerable agitation in the Union for a lifting of the ban on natives in Mozambique north of latitude 22° south. This appears now to be

-definitely-

-5-

definitely abandoned since the present Government has expressed itself against such immigration due to the physical inferiority of the native in this locality. Recently there has been some talk of acquiring labor from the Congo and northern Rhodesia. . With the present rate of increase in labor for the mines, the problem which confronts the Union is indeed a drastic one. The exploitation of the native man power of the Transvaal and part of this Province on the concentrated area of the Rand and Witbank mines may be ameliorated with a more economic use of such labor. It has also been suggested that ^{with} new machinery and scientific methods of mining the number of natives needed will decrease and that within five years 80,000 natives from this Province will be sufficient. Although this may be too optimistic something of the nature will undoubtedly take place to make up for whatever deficit there will be from the restrictions imposed by the Convention.

Synopsis of the Convention.

The Convention is divided into four parts: Native Labor, Port and Railways, Customs and Commercial Inter-course, and Miscellaneous. Under part IV it is provided that the Convention shall remain in force for ten years with possible revision at the end of five years. Both parties agree to arbitrate any dispute and on their failure to choose an umpire to entrust his appointment to the High Court of International Justice at the Hague.

-It-

-6-

It is interesting to know that whereas parts I, III and IV of the Convention are concluded between the Union and the Government of Portugal, part II, dealing with the Port and Railways, is between the Union and the Government of Mozambique.

The following is a short synopsis of the three parts of the Convention:

Native Labor.

Beginning with 100,000 on December 31, 1929, the number of Portuguese natives recruited will be diminished at the rate of 5,000 annually until by December 31, 1933 there will be 80,000. Recruiting will be carried on as before with the following changes:

1. In addition to identification cards, registrations etc, natives must secure passports to emigrate. Fees for any of these services payable to the Mozambique Government must total up to a minimum of 35/- annually per native. Any deficit is to be paid by the mines to the Portuguese curator of natives in Johannesburg. Not counting renewals and at an average of 90,000 natives per year, this gives the Mozambique Government a revenue of about £150,000 annually. Hitherto native emigration has yielded about £200,000 annually. However, this included the lump sum of 7/6d per native in lieu of customs. Under the new regime natives will be subject to the ordinary customs duties.
2. Recruiting is to be carried on by such organisations as are approved by both Governments, although the Government of Mozambique may authorise independent native emigration with the consent of the Union.
3. Contracts are limited to one year with six months' renewal. The native cannot be re-engaged until he has had six months continual residence in the Province.
4. Repatriation by the recruiting body is compulsory over all natives who shall come under the Union Emigration Laws. Heretofore a large number of natives remained indefinitely in the Union.

-7-

5. The recruiting body is also responsible for the medical care of the natives to whom shall apply the provisions of the Miners' Phthisis Act.

6. During the last three months of engagement and during any period of renewal 1/- per shift or half the estimated wages shall be retained and paid to the natives on their return to Mozambique. It is not likely that this deferred pay scheme will increase the purchasing power brought into the country, although it will allow the Mozambique Government to determine accurately how much of their wages the native brings in.

Port and Railways.

As under the old Convention the Union undertakes to secure the port of Lourenço Marques 50 to 55 percent of the total tonnage of sea-borne traffic imported into the competitive area of the Transvaal. This percentage is to be adjusted on the figures taken for six months. This traffic, however, which was 473,646 tons for 1927 is only about two thirds of what it was in 1910.

Railway rates from Lourenço Marques to the Union are to be fixed by the South African Railways in consultation with the Port and Railways of Lourenço Marques, while the South African Railways Administration in altering any of its rates or making any new lines must first consider whether these will be detrimental to Lourenço Marques. South African railway rates will be applied to products of both countries conveyed to one another for local consumption. Finally Article XXXVI prescribes that the railway rates from the South African Railways to Lourenço Marques on goods for export overseas shall not exceed those rates for similar traffic over like distances in the Union. Thus the Port of Lourenço Marques is placed on an equal footing for all practical purposes with Union ports.

The dues and charges of Lourenço Marques for the export and import traffic of the Union shall be levied in the same manner as Union ports. A tentative proposal reducing the port charges to those of Durban has already been submitted to the Government Council for its approval.

The two railway administrations pledge themselves to discuss freely any matters arising under their jurisdiction and to draw up an agreement on any points under such discussion.

The Government of Mozambique is to establish an Advisory Board, outlined in Article XI, to consider and advise the best methods of furthering the export

-trade-

-8-

trade from that portion of the Union naturally served by Lourenço Marques. This Board will be merely advisory with no executive powers.

Finally there is the half-hearted promise by the Union to connect the existing rail head at Goba with the South African Railways as soon as Swaziland is incorporated in the Union.

Customs and Commercial Intercourse.

Both countries grant each other most favored nation treatment. . . . Certain products of the two countries are to be admitted free and to receive the lowest internal taxes.

There will be free transit trade in goods passing through either country destined for the other. Minerals, including coal, destined for overseas trade passing through Lourenço Marques from the Union shall be free from customs or transit charges. Goods bonded in warehouses in Lourenço Marques will be considered as transit grade when sent to the Union. Thus every assistance has been given this Province to increase its transit trade and act as entrepot for the Union.

As a further expression of this trade agreement the two countries will refrain from impeding their actual trade by imposing prohibitions upon imports into or exports from their respective territories.

I have the honor to be, Sir,

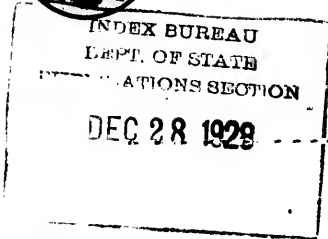
Your obedient servant,

Eugene M. Hinkle

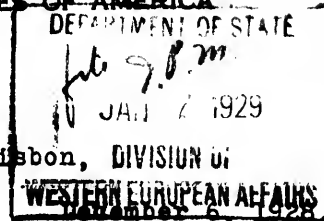
Eugene M. Hinkle,
American Vice-Consul in Charge.



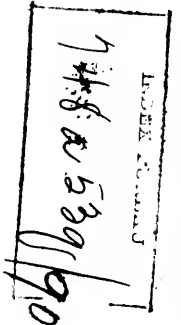
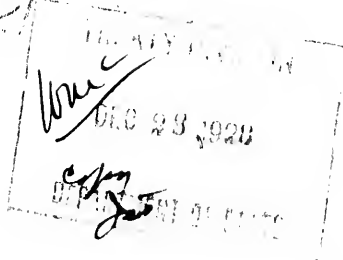
LEGATION OF THE
UNITED STATES OF AMERICA



No. 2470



ER 409
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The Honorable

The Secretary of State,
Washington, D.C.

Sir:

I have the honor to refer to the Legation's despatch No. 2397 of September 18, 1928, in which it was reported that the Convention between Mozambique and the Union of South Africa was made and had been signed on September 11th in Johannesburg. In this connection I have the honor to inform the Department that, by Decree No. 16,177, dated November 29, 1928, the Convention was ratified by the Portuguese Government. Copies of the "Diario do Governo", No. 277 of November 30, 1928, containing the text of the Decree, as well as the text of the Convention in the Portuguese,

English

JAN 8 1929
PULP

- 2 -

English and Dutch languages are transmitted to
the Department herewith.

I have the honor to be, Sir,

Your obedient servant,



FRED MORRIS DEARING

End

Sexta-feira 30 de Novembro de 1928

I Série — Número 277



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Decreto n.º 16:173 — Regula a situação de uma professora contratada do 2.º Semi-Internato de Lisboa.

Ministério das Finanças:

Decreto n.º 16:174 — Manda inserir na pauta de importação um novo artigo referente a fundentes e desoxidantes para a fundição de metais.

Ministério do Comércio e Comunicações:

Decreto n.º 16:175 — Isenta do pagamento da taxa de acostagem os navios que compõem a divisão naval francesa em visita oficial à Nação Portuguesa.

Ministério das Colónias:

Decreto n.º 16:176 — Extingue um officio de notário da comarca de Biallém.

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Ministério dos Negócios Estrangeiros:

Aviso — Torna público ter a Polónia aderido ao Acôrdo de Madrid relativo à recepção de falsas indicações de origem das mercadorias.

MINISTÉRIO DO INTERIOR

Direcção Geral de Administração Política
e Civil

Portaria n.º 5:761

Sendo de reconhecida necessidade a criação de um organismo que, fazendo parte do quadro da secretaria da Câmara Municipal do concelho de Ponte do Lima, distrito de Viana do Castelo, seja destinado exclusivamente a assuntos que oram versados na extinta Administração do mesmo concelho: manda o Governo da República Portuguesa, pelo Ministro do Interior, tendo em vista o que dispõe o artigo 28.º (transitório) do decreto n.º 14:812, de 31 de Dezembro de 1927, o com fundamento no que foi deliberado pela competente comissão administrativa, que o quadro da citada Câmara seja dotado com uma secção, que será chefiada pelo official da secretaria da mesma Câmara, e na qual serão tratados todos os ser-

viços que à extinta Administração do concelho pertenciam.

Paços do Governo da República, 27 de Novembro de 1928. — O Ministro do Interior, *José Vicente de Freitas*.

Misericórdia de Lisboa

Decreto n.º 16:173

Considerando que, por instrumento em devida forma lavrado em 16 de Junho de 1927, Maria Fernanda da Cunha Belém, que como assalariada exercia o lugar de professora de instrução primária geral do 2.º Semi-Internato, fora contratada para exercer o lugar de professora de instrução primária do 2.º Semi-Internato de Lisboa, lugar criado pelo decreto n.º 13:085, de 26 de Janeiro de 1927;

Considerando que este contrato foi feito e era válido por cinco anos, a contar do referido dia 16 de Junho de 1927;

Considerando que, como consta da respectiva comunicação, feita em 1 de Maio do ano corrente, dirigida ao director do 2.º Semi-Internato da extinta Provedoria Central de Assistência pela comissão directora de assistência aos funcionários civis tuberculosos, foi concedida assistência, a partir de 1 de Abril do ano corrente, à já mencionada Maria Fernanda da Cunha Belém;

Considerando que se mostra verificado que a mencionada Maria Fernanda da Cunha Belém se encontra no abrigo do preceituado no decreto com força de lei n.º 14:192 e regulamento aprovado por decreto n.º 14:546;

Considerando que o preceituado no § 1.º do artigo 2.º do citado decreto n.º 14:192 garante aos funcionários de qualquer categoria, quando tuberculosos, em tratamento em domicílio, o direito a receber além de um subsídio mensal todos os vencimentos como se estivessem em efectivo serviço;

Considerando que por decreto n.º 15:778, de 23 de Julho do ano corrente, transitaram para a Misericórdia de Lisboa, entre outros institutos de assistência pública, o 2.º Semi-Internato, na Rua de Artilharia n.º 1, desta cidade;

Considerando que nem na lei orçamental em vigor nem na relação do pessoal que servia naqueles institutos, enviada à Misericórdia de Lisboa, figurava o nome da já referida Maria Fernanda da Cunha Belém, o que pode ser explicado pela circunstância de a mesma se encontrar afastada por doença do exercício das suas funções de professora;

Considerando que, não tendo sido rescindido o contrato de 16 de Junho de 1927, da mais elementar justiça se torna effectivar, e pelo que respeita à referida professora, os direitos que à mesma assistem nos termos do já mencionado contrato e do decreto n.º 14:192;

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1 SÉRIE — NÚMERO 377

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta do Ministro do Interior:

Hei por bem decretar o seguinte:

Artigo 1.º É garantido a Maria Fernanda da Cunha Belém, contratada para exercer as funções de professora de instrução primária do 2.º Semi-Internato de Lisboa, e enquanto o contrato a que se tem feito referência continuar subsistindo, o direito a receber o seu vencimento melhorado líquido mensal de 6448.

Art. 2.º Fica a cargo da Misericórdia de Lisboa, para a qual passou a administração do referido Semi-Internato, o pagamento da dita mensalidade, pagamento este que deverá efectuar inscrevendo em orçamento suplementar a respectiva verba.

Art. 3.º É revogada a legislação em contrário.

O Ministro do Interior assim o tenha entendido e faça executar. Paços do Governo da República, 27 de Novembro de 1928.—ANTÓNIO OSCAR DE FRAGOSO CARMONA—José Vicente de Freitas.

MINISTÉRIO DAS FINANÇAS

Direcção Geral das Alfândegas

3.ª Repartição

1.ª Secção

Decreto n.º 16:174

Ouvindo o Conselho do Serviço Técnico Aduaneiro;
* Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta do Ministro das Finanças:

Hei por bem decretar:

Artigo 1.º É inserido na pauta de importação um novo artigo com a seguinte redacção e taxas:

Artigo 251-A — Fundentes e desoxidantes para a fundição de metais:

| | | |
|------------------------|----------|------|
| Pauta máxima | Tonelada | \$40 |
| Pauta mínima | Tonelada | \$20 |

Art. 2.º Fica revogada a legislação em contrário.

O Ministro das Finanças assim o tenha entendido e faça executar. Paços do Governo da República, 30 de Novembro de 1928.—ANTÓNIO OSCAR DE FRAGOSO CARMONA—António de Oliveira Salazar.

MINISTÉRIO DO COMÉRCIO E COMUNICAÇÕES

Administração Geral do Porto de Lisboa

Decreto n.º 16:175

Considerando que no dia 28 do corrente mês deve chegar a Lisboa uma divisão naval francesa, em visita oficial à Nação Portuguesa;

Considerando que, por esse motivo, não é justo que os navios que a compõem estejam sujeitos ao pagamento de quaisquer taxas devidas à Administração Geral do Porto de Lisboa;

Usando da faculdade que me confere o n.º 2.º do ar-

tigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta dos Ministros de todas as Repartições:

Hei por bem decretar, para valer como lei, o seguinte:

Artigo 1.º Ficam isentos do pagamento da taxa de acostagem devida à Administração Geral do Porto de Lisboa os escais-torpedeiros franceses *La Palme*, *La Railleuse* e *Brestois*, que fazem parte da divisão naval francesa que, em 28 do corrente mês, deverá chegar ao porto de Lisboa, em visita oficial.

Art. 2.º Fica revogada a legislação em contrário.

Determina-se portanto a todas as autoridades a quem o conhecimento e execução do presente decreto com força de lei pertencer o cumpram e façam cumprir e guardar tam inteiramente como nele se contém.

Os Ministros de todas as Repartições o façam imprimir, publicar e correr. Dado nos Paços do Governo da República, em 27 de Novembro de 1928.—ANTÓNIO OSCAR DE FRAGOSO CARMONA—José Vicente de Freitas—Mário de Figueiredo—António de Oliveira Salazar—Júlio Ernesto de Moraes Sarmiento—Aníbal de Mesquita Guimarães—Eduardo Aguiar Bragança—José Bacelar Bebianno—Gustavo Cordeiro Ramos—Pedro de Castro Pinto Bravo.

MINISTÉRIO DAS COLÓNIAS

Direcção Geral dos Serviços Centrais

Repartição Autónoma de Justiça e Cultos

Decreto n.º 16:176

Considerando que são de ponderar as razões alegadas pelo governador geral do Estado da Índia, pelo presidente da Relação de Nova Goa e pelo juiz de direito da comarca de Bicholim sobre a conveniência de ser extinto um dos dois officios do notário da referida comarca de Bicholim e que os mapas do respectivo movimento notarial mostram ser este muito acanhado;

Tendo-se pronunciado favoravelmente sobre tal proposta o Conselho Superior Judiciário das Colónias;

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1926, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta dos Ministros de todas as Repartições:

Hei por bem decretar, para valer como lei, o seguinte:

Artigo 1.º É extinto o officio de notário, actualmente vago, da comarca do Bicholim.

Art. 2.º Fica revogada a legislação em contrário.

Determina-se portanto a todas as autoridades a quem o conhecimento e execução do presente decreto com força de lei pertencer o cumpram e façam cumprir e guardar tam inteiramente como nele se contém.

Os Ministros de todas as Repartições o façam imprimir, publicar e correr.

Para ser publicado nos «Boletins Officiais» de todas as colónias.

Dado nos Paços do Governo da República, em 30 de Novembro de 1928.—ANTÓNIO OSCAR DE FRAGOSO CARMONA—José Vicente de Freitas—Mário de Figueiredo—António de Oliveira Salazar—Júlio Ernesto de Moraes Sarmiento—Aníbal de Mesquita Guimarães—Eduardo Aguiar Bragança—José Bacelar Bebianno—Gustavo Cordeiro Ramos—Pedro de Castro Pinto Bravo.

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Direcção Geral das Colónias do Oriente

1.ª Repartição

2.ª Secção

Decreto n.º 16:177

Usando da faculdade que me confere o n.º 2.º do artigo 2.º do decreto n.º 12:740, de 26 de Novembro de 1920, por força do disposto no artigo 1.º do decreto n.º 15:331, de 9 de Abril de 1928, sob proposta dos Ministros das Colónias e dos Negócios Estrangeiros, e com a aprovação do Conselho de Ministros: hei por conveniente ratificar a Convenção celebrada entre o Governo da República Portuguesa e o Governo da União Sul-Africana, assinada em 11 de Setembro de 1928 pelos respectivos representantes, o Sr. José Ricardo Pereira Cabral, tenente-coronel de cavalaria, governador geral de Moçambique, o Sr. Carlos de Sá Carneiro, coronel de engenharia, antigo director dos Caminhos de Ferro de Lourenço Marques, e o bacharel José de Almada, sub-director geral do Ministério das Colónias, por parte de Portugal; o Honourable Nicolaas Christiaan Havenga, membro da Assembleia Legislativa, membro do Conselho Executivo e Ministro das Finanças da União, o Honourable Charl Wynand Malan, membro da Assembleia Legislativa, membro do Conselho Executivo e Ministro dos Caminhos de Ferro e Portos da União, e o Honourable Frederik William Beyers, Conselheiro do Rei, membro da Assembleia Legislativa, membro do Conselho Executivo e Ministro das Minas e das Indústrias da União, por parte da União Sul-Africana.

Os Ministros das Colónias e dos Negócios Estrangeiros assim o tenham entendido e façam executar. Paços do Governo da República, 29 de Novembro de 1928.— ANTÓNIO OSCAR DE FRAGOSO CARMONA — *Antal de Mesquita Guimarães* — *José Bacelar Bebiano*.

Konvensie aangegaan tussen die Regering van die Unie van Suidafrika en die Regering van die Portugese Republiek

Die Regering van die Unie van Suidafrika (hierna vorder genoem «die Regering van die Unie») en die Regering van die Portugese Republiek (hierna vorder genoem «die Portugese Regering»), begerig om die luvoer van Naturelle-arbeiders uit die Kolonie van Mosambiek na die Provinsje Transvaal, Spoorwegaangeleenthede en die Handelsverkeer tussen die Unie van Suidafrika (hierna vorder genoem «die Unie») en die Kolonie van Mosambiek (hierna vorder genoem «Mosambiek») te reël het besluit om vir die doel 'n Konvensie aan te gaan en het as hul Vertoewwoordigers daartoe aangestel, te weto:

Die Regering van die Unie:

- Die Edelagbare Nicolaas Christiaan Havenga, L.V., Lid van die Uitvoerende Raad en Minister van Finansies van die Unie;
- Die Edelagbare Charl Wynand Malan, L.V., Lid van die Uitvoerende Raad en Minister van Spoorweë en Hawens van die Unie; en
- Die Edelagbare Fredrik William Beyers, K.C., L.V., Lid van die Uitvoerende Raad en Minister van Mynwese en Nywerheid van die Unie.

Die Portugese Regering:

- Senhor José Ricardo Pereira Cabral, Luitenant-kolonel van die Ruitery, Goewerneur-Generaal van Mosambiek;

Convention between the government of the Union of South Africa and the government of the Portuguese Republic.

The Government of the Union of South Africa (hereinafter called «the Union Government») and the Government of the Portuguese Republic (hereinafter called «the Portuguese Government»), being desirous of regulating the introduction of native labourers from the Colony of Mozambique into the Province of the Transvaal, Railway Matters, and the Commercial Intercourse between the of South Africa (hereinafter called «the Union») and the Colony of Mozambique (hereinafter called «Mozambique»), have resolved to enter into a Convention for that purpose and have appointed as their Representatives to that end, that is to say:

The Union Government:

- The Honourable Nicolaas Christiaan Havenga, M. L. A., Member of the Executive Council and Minister of Finance of the Union;
- The Honourable Charl Wynand Malan, M. L. A., Member of the Executive Council and Minister of Railways and Harbours of the Union; and
- The Honourable Fredrik William Beyers, K. C., M. L. A., Member of the Executive Council and Minister of Mines and Industries of the Union;

The Portuguese Government:

- Senhor José Ricardo Pereira Cabral, Lieutenant-Colonel of Cavalry, Governor General of Mozambique;

Convenção entre o Governo da República Portuguesa e o Governo da União da África do Sul.

O Governo da República Portuguesa (ao diante chamado Governo Português) e o Governo da União da África do Sul (ao diante chamado Governo da União) animados do desejo de regular a emigração de indígenas da colónia de Moçambique para a província do Transvaal, assim como assuntos de caminhos de ferro e de intercâmbio comercial entre a colónia de Moçambique (ao diante chamada Moçambique) e a União da África do Sul (ao diante chamada União), resolveram celebrar uma Convenção para os ditos fins e nomearam seus representantes para esse efeito, a saber:

O Governo Português:

- O Senhor José Ricardo Pereira Cabral, tenente-coronel de cavalaria, governador geral de Moçambique;
- O Senhor Carlos de Sá Carneiro, coronel de engenharia, antigo director dos Caminhos de Ferro de Lourenço Marques;
- O bacharel José de Almada, sub-director geral do Ministério das Colónias;

e o Governo da União:

- O Honourable Nicolaas Christiaan Havenga, Membro da Assembleia Legislativa, Membro do Conselho Executivo e Ministro das Finanças da União;
- O Honourable Charl Wynand Malan, Membro da Assembleia Legislativa, Membro do Conselho

Senhor Carlos de Sá Carneiro,
Kolonel van die Sjenie, voor-
malige Direkteur van die Spo-
rweë van Lourenço Marques;
en
Senhor José de Almada, LL.D.,
Onder Direkteur-Generaal van
die Ministerie van die Kolonies;

Senhor Carlos de Sá Carneiro,
Colonel of the Engineers, for-
merly Director of the Railways
of Lourenço Marques; and
Senhor José d'Almada, LL.D.,
Under-Director-General of the
Ministry for the Colonies;

Executivo e Ministro dos Ca-
minhos de Ferro e Portos da
União; e
O Honourable Fredrik William
Beyers, Conselheiro do Rei,
Membro da Assembleia Legis-
lativa, Membro do Conselho
Executivo e Ministro das Minas
e das Indústrias da União;

Wat, na oorlegging van hul res-
pektiewe volmagte, wat in goeie en
behoorlike vorm bevonde is, as volg
ooreengekom het:

Who, having communicated their
respective powers, found in good and
due form, have agreed as follows:

Os quais depois de terem comuni-
cado os seus respectivos poderes, que
acharam em boa e devida forma, con-
cordam no seguinte:

DEEL I

Naturelle arbeid

ARTIEKEL I

Die reëlings vervat in Doel I van
hierdie Konvensie is van toepassing
op die aanwerving vir, en op die in-
diensneming op, die Goud- en Steen-
koolmyne van die Provinsie Transvaal
van die Unie (hierin verder «die Myne»
genoem) van Naturelle uit die grondge-
bied van Mosambiek, ten suide van
die 22ste graad Suiderbreedte, onder
direkte Staatsbeheer (hierin verder
«Portugese Naturelle» genoem).

ARTIEKEL II

Die Portugese Regering magtig die
aanwerving voormeld en die latere
repatriasie van die Portugese Naturelle
ooreenkomstig die terme en voor-
waardes en in ooreenstemming met
die regulasies tesame met enige wysi-
gings daarvan bestaanbaar met Artic-
kel LIII, fasiliteite en skikkings soos
in werking en werklik nagekom op
die 16de dag van Mei 1928, insover
as sodanige terme, voorwaardes, re-
gulasies, fasiliteite en skikkings aldus
in werking en nagekom sako is wat
onder kontrole val van een van die
Regerings en insover as hulle nie deur
hierdie Konvensie gewysig word nie.

ARTIEKEL III

Die getal van Portugese Naturelle
wat op 16 Mei 1928 op die Myne
werksaam was, sal vermindor word
tot 'n maksimum aantal van 80,000
binne die vyf jare volgende die
datum van hierdie Konvensie, as
volg:

Op die 31ste Desember:

| | |
|----------------|---------|
| 1929 | 100,000 |
| 1930 | 95,000 |
| 1931 | 90,000 |
| 1932 | 85,000 |
| 1933 | 80,000 |

ARTIEKEL IV

Die aanwerving van Portugese Na-
turelle binne die grondgebied van Mo-
sambiek vir diens in die Myne, die
toewysing van hierdie Naturelle aan
die Myne en hullo repatriasie na die

PART I

Native Labour

ARTICLE I

The arrangements set out in Part I
of this Convention apply to the re-
cruitment for and to the employment
on, the Gold and Coal Mines of the
Transvaal Province of the Union (he-
reinafter termed «the Mines») of Na-
tives from the territories of Mozambi-
que, south of latitude 22 degrees South,
under direct State Administration (he-
reinafter termed «Portuguese Nati-
ves»).

ARTICLE II

The Portuguese Government autho-
rizes the recruiting aforesaid and the
subsequent repatriation of the Portu-
guese Natives upon the terms and
conditions and in accordance with the
regulations (together with any amend-
ments thereof consistent with Article
LIII) facilities and arrangements in
operation and actually observed as at
the 16th day of May, 1928, in so far
as such terms, conditions, regulations,
facilities, and arrangements (so in
operation and observed) are matters
under the control of either Govern-
ment, and in so far as they are not
modified by this Convention.

ARTICLE III

The number of Portuguese Natives
who were employed in the Mines on
the 16th May, 1928, shall be reduced
to a maximum complement of 80,000
within the five succeeding years from
the date of this Convention, as fol-
lows:

On the 31st December:

| | |
|----------------|---------|
| 1929 | 100,000 |
| 1930 | 95,000 |
| 1931 | 90,000 |
| 1932 | 85,000 |
| 1933 | 80,000 |

ARTICLE IV

The recruitment of Portuguese Na-
tives within the territories of Mozam-
bique for employment in the Mines,
the allotment of these Natives to the
Mines, and their repatriation to the

PARTE I

Trabalho indígena

ARTIGO I

As disposições da parte I desta
Convenção regulam o recrutamento e
o emprego nas minas de ouro e de
carvão da província do Transvaal (ao
dianto chamadas as minas) de indige-
nas dos territórios do Moçambique
sob a administração directa do Esta-
do, ao sul do paralelo de 22 graus
latitude sul (ao dianto chamados in-
dígenas portugueses).

ARTIGO II

O Governo Português autoriza o
referido recrutamento e a subsequente
repatriação dos indígenas portugue-
ses, nos termos dos regulamentos em
vigor à data de 16 de Maio de 1928
e das alterações neles introduzidas
que não contrariem o disposto no ar-
tigo LIII, e em harmonia com as con-
dições, facilidades e acordos igual-
mente em vigor àquela data, no que
depender da acção dos Governos do
Moçambique e da União e no que não
for alterado por esta Convenção.

ARTIGO III

O número de indígenas portugue-
ses empregados nas minas em 16 de
Maio de 1928 será reduzido ao con-
tingente máximo de 80.000 nos cinco
anos seguintes à data desta Conven-
ção, pela seguinte forma:

Em 31 de Dezembro de:

| | |
|------------------|---------|
| 1929 a | 100.000 |
| 1930 a | 95.000 |
| 1931 a | 90.000 |
| 1932 a | 85.000 |
| 1933 a | 80.000 |

ARTIGO IV

O recrutamento de indígenas por-
tugueses nos territórios de Moçambi-
que com destino às minas, a distri-
buição destes indígenas pelas minas e
a sua repatriação até a fronteira por

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Portugese Grons na afloop van hulle kontrakte, sal toevertrou word ann een of meer organisasies wat behoortlik deur beide die Regering van die Unie en die Regering van die Kolonie van Mosambiek (hierin verder genoem «die Regering van Mosambiek») goed-gekeur is.

ARTIEKEL V

Die aanwerving van Portugese Naturelle sal alleen toegelaat word aan persone in diens van 'n organisasie waarna verwys is in Artikel IV (hierin verder genoem «die Werf-organisasie») aan wie die Regering van Mosambiek 'n werflisensie toegestaan het goldig vir een jaar en vernubaar vir tydperke van een jaar op die volgende voorwaardes:—

a) Teen betaling van 'n jaarlikse belasting van £100 (eenhonderd pond sterling) vir elke lisensie;

b) na storting van die bedrag van £100 (eenhonderd pond sterling) by die Tesourie (Caixa do Tesouro) te Lourenço Marques aan die order van die Departement van Naturellesake, as 'n waarborg;

c) op 'n skriftelike verklaring van die applikant vir die lisensie waarby hy onvoorwaardelik onderneem om al die bepalings van hierdie Kouvensie en van die regulasies, waarna verwys is in Artikel II, betreffende die werking en emigrasie van Naturelle van krag in Mosambiek, na te kom;

d) dat die lisensie persoonlik is en nie oordraagbaar nie, en dat dit belet is dat een persoon 'n ander sal vervang in die verrigting van die werksaamhede waartoe die houder onder die lisensie geregtig is;

e) dat die vernieuwing van die lisensie binne vyftien dae na die verstryking van sy geldigheidsduur aangevra word op straf van verbeuring van die gedeponeerde waarborg; maar die houder van 'n lisensie wat geen vernieuwing daarvan verlang nie moet daarvan kennis gee en sy lisensie oorhandig binne die voormelde tydperk van vyftien dae toneinde hom in staat te stel om die betreffende gedeponeerde waarborg terug te trek;

f) dat die Regering van Mosambiek hom die reg voorbehou om die werflisensie in te trek in geval van oorlog of ernstige publieke rusverstoringe of van dergelike buitengewone omstandighede wat dit noodsaaklik mag maak;

g) dat lisensies ook mag ingetrek word as die houters ernstig en voortdurend die wette van krag in Mosambiek verontagsaam;

h) dat geen skadevergoeding betaalbaar is nie vir die intrekking van lisensies onder sub-artikels f) en g). In die geval voorsien in subartikel g) verloor die houters van die lisensie ook die reg op teruggawe van die gedeponeerde waarborg;

Portuguese Frontier at the expiration of their periods of contract, shall be entrusted to an organization (or organizations) duly approved by both the Union Government and the Government of the Colony of Mozambique (hereinafter termed «the Government of Mozambique»).

ARTICLE V

The recruitment of Portuguese Natives shall only be permitted to employees of an organization referred to in Article IV (hereinafter termed the Recruiting Organization) to whom the Government of Mozambique has granted a recruiting licence valid for one year and renewable for yearly periods under the following conditions:

a) on payment of an annual tax of £ 100 (one hundred pounds sterling) for each licence;

b) on deposit of the amount of £ 100 (one hundred pounds sterling) with the Treasury (Caixa do Tesouro) at Lourenço Marques to the order of the Department of Native Affairs as a guarantee;

c) upon a written declaration by the applicant for the licence, undertaking unreservedly to fulfil all the provisions of this Convention and of the regulations referred to in Article II relating to native recruiting and emigration in force in Mozambique;

d) that the licence be personal and non-transferable and that it be prohibited to substitute one person for another in the performance of the functions to which the licence entitles its holder;

e) that any renewal of a licence be applied for within fifteen days after the expiration of its period of validity, under penalty of forfeiture of the deposit of guarantee; but the holder of a licence who does not desire a renewal thereof shall make a declaration to that effect, and shall hand over the licence within the said period of fifteen days in order to enable him to withdraw the relative deposit of guarantee;

f) that the Government of Mozambique reserves the right to cancel the recruiting licences in case of war or of serious public disturbances or of any such extraordinary circumstances as may make it imperative;

g) that licences may also be cancelled if the holders seriously and persistently fail to comply with the laws in force in Mozambique;

h) that no indemnity shall be due for the cancellation of licences under subsections f) and g). In the case provided for in sub-section g) the holders of the licences shall also lose the right of withdrawing the deposit of guarantee;

tuguesa, terminados os períodos de contrato, ficarão a cargo de uma entidade, ou entidades, devidamente aprovadas pelos Governos de Moçambique e da União.

ARTIGO V

O recrutamento de indígenas portugueses só poderá ser efectuado por indivíduos empregados de uma das entidades referidas no artigo IV (ao diante chamada entidade recrutadora), a quem o governo de Moçambique tenha concedido uma licença para recrutar, válida por um ano e renovável por períodos anuais, nas seguintes condições:

a) Pagamento da taxa anual de £ 100 (cem libras esterlinas) por cada licença;

b) Depósito da quantia de £ 100 (cem libras esterlinas) como caução na Caixa do Tesouro em Lourenço Marques, à ordem da Direcção dos Serviços e Negócios Indígenas;

c) Declaração, sem reservas e escrita pelo pretendente à licença, de que se obriga a cumprir integralmente todas as disposições desta Convenção e dos regulamentos sobre recrutamento e emigração de indígenas em vigor em Moçambique, mencionados no artigo II;

d) A licença será pessoal e intransmissível, sendo expressamente proibida a substituição de pessoas para o exercício das funções a que a licença dá direito;

e) O pedido de renovação da licença é obrigatório dentro dos quinze dias seguintes ao termo do seu prazo de validade, sob pena de perda da caução, mas aquele que não quiser continuar a exercer o seu mester assim o declarará, fazendo entrega da licença no prazo acima estabelecido para poder levantar a respectiva caução;

f) As licenças podem ser canceladas pelo Governo de Moçambique, por motivo de guerra ou de grave alteração da ordem pública ou ainda por qualquer outra circunstância extraordinária que exija tal procedimento;

g) Podem também ser canceladas as licenças cujos portadores infringirem grave ou persistentemente as disposições legais em vigor em Moçambique;

h) Pelo cancelamento das licenças nos casos previstos nas alíneas f) e g) não será devida indemnização alguma. No caso da alínea g) os infractores perdem também o direito ao levantamento da caução em depósito;

i) dat die Regering van Mosambiek hom die reg voorbehou om die uitreiking of vernuwing van lisensies te weier, wanneer die applikant nie as 'n behoorlike en bevoegd persoon beskou word nie of ongeskik vir die natuurlike beleid en natuurlike administrasie van die Kolonie geag word.

ARTIEKEL VI

Die Regering van Mosambiek behou hom die reg voor om aanwerving vir, of toewysing van Portugese Naturelle aan, 'n myn te belet, as by 'n gesamentlike ondersoek van verteenwoordigers van die Regering van die Unie en van Mosambiek bevind word dat die bestuur van daardie myn, of sy verantwoordelike personeel, in enige wesenlike opsig of na herhaaldawaarskuwinge, versuim het om te voldoen aan die verpligtinge deur hierdie Konvensie opgelê. Die gesegde verteenwoordigers sal 'n regter as skeidsregter benoem wat in die eerste geval wat mag ontstaan uit die Unie sal benoem word en in die tweede geval uit Mosambiek en daarna in dieselfde volgorde. Ingeval dat die gesegde verteenwoordigers nie daarin slaag om betreffende die sake wat ondersoek word tot 'n eenparige beslissing te kom nie, sal die bevinding van die gesegde skeidsregter oor hierdie sake afdoende wees.

ARTIEKEL VII

Rekrute wat deur die mediese amptenaar van die Regering van Mosambiek, of deur die Werf-organisasie op Ressano Garcia, of deur mediese amptenare van die Werf-organisasie in die Unie afgewys word as ongeskik vir werk op die Myne, moet op koste van die Werf-organisasie oor die roete, langs welke hulle gekom het, huis toe gestuur word.

ARTIEKEL VIII

In ooreenstemming met die bepalinge van die werf-regulasies van Mosambiek, waarna verwys is in Artikel II, sal die Regering van Mosambiek aan Portugese Naturelle nie toelaat om op die Myne te gaan werk nie, tensy hulle in die besit is van 'n identifikasiekaart onder daardie regulasies uitgereik.

Geen Portugese Naturel, wat voorheen op die Myne gewerk het, sal weer vir mynwerk in diens geneem word nie, tensy hy bewysgronde van welke aard ook kan aanvoer aanduidende dat hy vir ten minste ses agtereenvolgende maande in Mosambiek was sodert die voltooiing van sy voorafgaande kontrak of herindiensneming ooreenkomstig die bepalinge van Artikel XII. Die Naturel wat die bogenoemde bewys nie kan lewer nie, sal nie in diens geneem word nie, as

i) that the Government of Mozambique reserves the right to refuse the issue or renewal of licences when the applicant is considered neither fit nor proper or unsuitable to the Native Policy and the Native Administration of the Colony.

ARTICLE VI

The Government of Mozambique reserves the right to prohibit recruiting for, or allotment to, any Mine of Portuguese Natives, if, upon a joint investigation by representatives of the Union and Mozambique Governments, the Management of that Mine or its responsible staff are found to have failed to comply in some substantial respect, or persistently after warning, with the obligations imposed by this Convention. The said representatives shall appoint as an umpire a Judge, who in the first case that arises shall be appointed from the Union and in the second case from Mozambique, and thereafter in like rotation. In the event of the said representatives failing to come to a unanimous decision on matters under investigation, the findings of the said umpire on these matters shall be final.

ARTICLE VII

Recruits rejected as unfit for work on the Mines by the medical officer of the Government of Mozambique or of the Recruiting Organization at Ressano Garcia, or by medical officers of the Recruiting Organization in the Union shall be returned to their homes at the expense of the Recruiting Organization by the route by which they came.

ARTICLE VIII

In accordance with the provisions of the recruiting regulations of Mozambique referred to in Article II, the Government of Mozambique will not permit Portuguese Natives to proceed to work on the Mines unless they are in possession of an identification card issued under those regulations.

No Portuguese Native previously employed on the Mines shall again be engaged for mining employment unless he can produce evidence to indicate that he has been at least six consecutive months in Mozambique since the completion of his antecedent contract or re-engagement in conformity with Article XII. The Native who cannot produce the evidence above referred to shall not be engaged if the Mozambique Authorities are satisfied on the information available

i) O governador do Moçambique tem o direito de não conceder licenças ou de não renovar as já concedidas quando julgue que os indivíduos que as requererem ou desejarem renovar não oferecem suficiente idoneidade ou são inconvenientes à política e administração indígenas da colônia.

ARTIGO VI

O Governo do Moçambique reserva-se o direito de proibir o recrutamento ou a distribuição de indígenas portugueses para qualquer mina se, em resultado de uma investigação conjunta, feita por representantes dos Governos do Moçambique e da União, se provar que a administração dessa mina, ou o seu pessoal responsável, desrespeitou gravemente, ou persistentemente depois do avisada, as obrigações impostas por esta Convenção. Os representantes dos dois Governos nomearão um juiz como árbitro de desempate, o qual será da União no primeiro caso que ocorrer e de Moçambique no segundo, seguindo-se a nomeação alternadamente, por esta ordem, nos outros casos que forem ocorrendo. Se os ditos representantes não chegarem a uma decisão unânime sobre o assunto da investigação, o árbitro de desempate decidirá em última instância.

ARTIGO VII

Os indígenas rejeitados por inaptos para o serviço das minas, por um médico do quadro de saúde de Moçambique ou pelo médico da entidade recrutadora em Ressano Garcia ou ainda pelos médicos da mesma entidade na União, serão reconduzidos às suas terras pela mesma via por onde tenham vindo e à custa da entidade recrutadora.

ARTIGO VIII

Nos termos das disposições dos regulamentos referidos no artigo II, o Governo de Moçambique não autorizará a ida de indígenas portugueses para as minas sem que estejam de posse de uma caderneta de identidade fornecida nos termos desses regulamentos.

Nenhum indígena português que anteriormente tenha estado empregado nas minas poderá ser novamente contratado para nelas ser empregado sem que apresente quaisquer provas que mostrem ter estado em Moçambique pelo menos seis meses consecutivos depois de terminados o contrato ou recontrato referidos no artigo XII. Não será contratado o indígena que não puder fazer aquela demonstração, se as autoridades de Moçambique, pelas informações que tiverem, se con-

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die Mosambiekse Outoriteite, op grond van die beskikbare informasie, oortuig is dat hy nie gedurende die gesegde tydperk in die Kolonie was nie.

ARTIEKEL IX

'n Geldige en lopende Portugese paspoort sal uitgereik word ten aansien van elke Portugese Naturel wat onder hierdie Konvensie op die Myne in diens geneem word.

'n Paspoortfooi vai 10s. (tien sjielings) sal betaal word deur die Naturel ten aansien van sy oorspronklike indiensneming, en die paspoort sal geldig wees vir 'n tydperk van twaalf maande. 'n Fooi van 5s. (vyf sjielings) sal deur die Naturel betaal word by vernuwing van die paspoort, en geen vernuwing sal vir langer as ses maande geldig wees nie.

Ingeval dat 'n naturel sy paspoort verloor, sal die Kurator van Portugese Naturelle (hierin verder genoem «die Kurator») hom voorsien van 'n duplikaat, waarvoor die Naturel 'n fooi van 5s. (vyf sjielings) sal betaal.

ARTIEKEL X

Die volgende fooie sal deur die werkgewers aan die Kurator betaal word in verband met Portugese Naturelle, naamlik:—

a) 'n Registrasiefooi van 1s. (een sjieling) per Naturel by oorspronklike indiensneming, en 1s. (een sjieling) by herindiensneming.

b) 'n Maandelikse fooi van 2s. (twee sjielings) per Naturel vir elke maand, of gedeelte daarvan, gedurende welke die Naturel in diens is.

ARTIEKEL XI

Ingeval dat die totale fooie ontvang deur die Regering van Mosambiek in enige jaar, beginnende met die jaar 1929, onder Artiekels ix en x ten aansien van Portugese Naturelle in die Myne werksaam minder beloop as 35s. (vyf-en-dertig sjielings) vermenigvuldig met die gemiddelde getal van sodanige Naturelle wat gedurende daardie jaar by die Myne in diens was, sal die tekort deur die Myne aan die Kurator betaal word.

ARTIEKEL XII

Die kontrakte van Portugese Naturelle sal nie vir 'n langer tydperk as twaalf maande loop nie (driehonderd en dertien skofte gewerk), maar sodanige Naturelle mag hulle self weer verhuur of hulle kontrakte verleng vir 'n verder tydperk of tydperke van nie meer as ses maande nie (eenhonderd en ses-en-vyftig skofte gewerk). Die maksimum tydperk van diens sal in geen geval meer wees as agtien maande nie.

ARTIEKEL XIII

Na die eerste negen maande (234 skofte gewerk) en gedurende die tyd-

that he has not been in the Colony for the said period.

ARTICLE IX

A valid and current Portuguese passport shall be issued in respect of every Portuguese Native to be employed on the Mines under this Convention.

A passport fee of 10s. (ten shillings) shall be payable by the Native in respect of his original engagement, and the passport shall be valid for a period of twelve months. A fee of 5s. (five shillings) shall be payable by the Native on renewal of the passport, and no renewal shall exceed a period of six months.

In case the Native loses his passport, the Curator of Portuguese Natives (herein after termed «the Curator») shall supply him with a duplicate, for which a fee of 5s. (five shillings) shall be payable by the Native.

ARTICLE X

The following fees shall be payable to the Curator by the employers in respect of Portuguese Natives, viz.:

a) A registration fee of 1s. (one shilling) per Native on original engagement, and 1s. (one shilling) on re-engagement;

b) a monthly fee of 2s. (two shillings) per Native for every month or part thereof during which the Native is employed.

ARTICLE XI

If the total fees received by the Government of Mozambique in any year commencing with the year 1929 under Articles ix and x in respect of Portuguese Natives employed in the Mines amount to less than 35s. (thirty-five shillings) multiplied by the average number of such Natives employed by the Mines during that year, the deficiency shall be paid by the Mines to the Curator.

ARTICLE XII

The contracts of Portuguese Natives shall not extend for a longer period than twelve months (three hundred and thirteen shifts worked) but such Natives may re-engage themselves or extend their contracts for a further period or periods up to an additional six months (one hundred and fifty-six shifts worked). The maximum period of service shall not in any case exceed eighteen months.

ARTICLE XIII

After the first nine months (two hundred and thirty-four shifts work-

vencerem de que ele não esteve na colônia durante o período acima fixado.

ARTIGO IX

A cada indígena português que vá ser empregado nas minas, nos termos desta Convenção, será fornecido um passaporte português.

Este passaporte será válido pelo período de doze meses e por ele pagará o indígena o emolumento de 10 s. (dez xelins) por ocasião do seu contrato; pela renovação do passaporte, válida pelo período de seis meses, pagará o indígena o emolumento de 5s. (cinco xelins).

No caso de o indígena perder o seu passaporte, o curador dos indígenas portugueses (ao diante chamado o curador) fornecer-lhe há um duplicado pelo qual o indígena pagará o emolumento de 5s. (cinco xelins).

ARTIGO X

As minas pagarão ao curador, pelo emprego de indígenas portugueses, as seguintes taxas:

a) 1s. (um xelim) pelo registo de cada contrato ou recontrato por cada indígena;

b) 2s. (dois xelins) por indígena e por mês ou parte, durante o tempo que o indígena estiver empregado.

ARTIGO XI

Se, em cada ano, a começar no de 1929, o total das taxas e emolumentos recebidos pelo Governo de Moçambique, nos termos dos artigos ix e x e em relação aos indígenas portugueses empregados nas minas, não atingir uma importância igual ao produto de 35s. (trinta e cinco xelins) pelo número médio de indígenas empregados nas minas durante esse ano, a diferença será paga pelas minas ao curador.

ARTIGO XII

Os contratos dos indígenas portugueses serão por um período não superior a doze meses (313 dias úteis), mas os indígenas poderão recontratar-se ou renovar os seus contratos por um período, ou períodos, não excedendo a seis meses (156 dias úteis). O período máximo de serviço não excederá, em caso algum, dezóito meses.

ARTIGO XIII

Depois dos primeiros nove meses (234 dias úteis) do contrato e durante

perk of tydperke van her-indiensneming, sal die bedrag van 1s. (een sjieling) per skof gewerk (die helfte van die geskatte gemiddelde (loontarief) van die verdienste van Portugese Naturelle deur die Myne, waarop hulle werkzaam is: ingehou en aan die Naturelle in Mosambiek, betaal word by hulle terugkoms.

ARTIEKEL XIV

Die bedrae ingehou ooreenkomstig die bepalinge van Artikel XIII sal as volg aan die Portugese Naturelle betaal word:

a) Die Myne sal, deur bemiddeling van die Werf-organisasie, teen die vyftiende dag van elke maand aan die order van die Kurator, in 'n Bank in Johannesburg wat deur die Regering van Mosambiek aangewys sal word, die bedrae stort wat gedurende die vorige maand van die lone van Portugese Naturelle afgetrek is;

b) Die Werf-organisasie moet teen die laaste dag van elke maand by die Kurator 'n lys indien aantoonende die bedrae wat gedurende die vorige maand van die lone van Portugese Naturelle afgetrek was, en sal ook die Kurator voorsien van die nodige informasie om hom in staat te stel om die Mosambiek-outoriteite in kennis te stel van die bedrag wat aan elke Naturel by sy terugkeer na Mosambiek sal moet betaal word;

c) Die Werf-organisasie moet die ingehoue loon aan die betrokke Naturelle op Ressano Garcia, of op enige ander plek waaroor van tyd tot tyd onderling ooreengekom mag word tussen die Regering van Mosambiek en die Werf-organisasie, betaal. Al sulke betalings moet aan die Naturelle gedaan word deur 'n verteenwoordigende amptenaar van die Werf-organisasie, en geskied in die kantoor van die Fiskaal van Emigrasie op Ressano Garcia, of in sodanige ander Goewermentskantoor op enige ander plek by onderlinge ooreenkoms bepaal, waar aangewese behuising vir hierdie doel ter beskikking van die Organisasie gestel sal word;

d) Die Regering van Mosambiek sal weklíks vooruit aan die Werf-organisasie op Ressano Garcia, of op enige ander plek by onderlinge ooreenkoms bepaal, die bedrae oorhandig wat die Werf-organisasie nodig het om die betalings waarna in Klousule c) hierbo verwys is, aan die Naturelle te doen;

e) Die Werf-organisasie en die Myne sal alle nodige fasiliteite aan die Kurator gee teneinde hom in staat te stel om hom te oortuig dat aan die vereistes van hierdie Artikel voldoen word.

ARTIEKEL XV

Alle bates in die boedels van oorlede Portugese Naturelle, sowel as alle

ed) and during any period or periods of re-engagement the sum of 1s. (one shilling) per shift worked (being one-half of the estimated average contract rates of pay) shall be retained from the earnings of Portuguese Natives by the Mines on which they are employed and shall be paid to the Natives in Mozambique on their return thereto.

ARTICLE XIV

The sums retained in accordance with Article XIII shall be paid to the Portuguese Natives as follows:

a) The Mines, through the Recruiting Organization shall deposit to the order of the Curator by the fifteenth day of each month, in Johannesburg, with a Bank nominated by the Government of Mozambique, the amounts deducted during the previous month from the wages of Portuguese Natives;

b) the Recruiting Organization shall lodge with the Curator by the last day of each month a schedule showing the amounts deducted during the previous month from the wages of Portuguese Natives, and shall also supply the Curator with the necessary information to enable him to advise the Mozambique Authorities of the amount to be paid to each Native on his return to Mozambique;

c) the Recruiting Organization shall pay the deferred pay to the Natives concerned, at Ressano Garcia or at any other place which may from time to time be mutually agreed upon between the Government of Mozambique and the Recruiting Organization. All such payments shall be made to the Natives by a representative official of the Recruiting Organization, and shall be effected in the Office of the Fiscal of Emigration at Ressano Garcia, or in such other Government Office at some other place as may be mutually agreed upon, specific accommodation being allocated to the Recruiting Organization for that purpose;

d) the Government of Mozambique shall hand over weekly in advance to the Recruiting Organization at Ressano Garcia or at any other place that may be mutually agreed upon, the amounts required by the Recruiting Organization to make the payments to the Natives referred to in Clause c) above;

e) the Recruiting Organization and the Mines shall place at the disposal of the Curator all necessary facilities to enable him to satisfy himself that the requirements of this Article are being carried out.

ARTICLE XV

All assets in the estates of deceased Portuguese Natives, together with any

qualquer período ou períodos do re-contrato a quantia de 1s. (um xelim) por dia útil de trabalho (metade da média dos salários fixados no contrato) será deduzida dos salários dos indígenas portugueses, pelas minas em que estiverem empregados, para lhes ser paga em Moçambique por ocasião do seu regresso.

ARTIGO XIV

As quantias retidas nos termos do artigo XIII serão pagas aos indígenas, observando-se as seguintes disposições:

a) As minas, por intermédio da entidade recrutadora, depositarão até o dia 15 de cada mês, à ordem do curador, num banco em Johannesburg, designado pelo Governo de Moçambique, as quantias deduzidas dos salários dos indígenas portugueses durante o mês anterior;

b) A entidade recrutadora entregará ao curador, até o último dia de cada mês, uma relação das quantias deduzidas dos salários dos indígenas portugueses durante o mês anterior, e fornecer-lhe há todas as informações necessárias para que ele possa comunicar às autoridades de Moçambique as quantias a pagar aos indígenas no seu regresso a Moçambique;

c) As quantias retidas serão pagas pela entidade recrutadora aos indígenas interessados em Ressano Garcia (ou em qualquer outro local fixado por acordo entre o Governo de Moçambique e aquela entidade). Todos estes pagamentos serão feitos na Fiscalização da Emigração em Ressano Garcia, ou na repartição pública de outra localidade que tenha sido escolhida; por um empregado representando a entidade recrutadora, sendo-lhe para esse efeito destinada instalação apropriada;

d) O Governo de Moçambique entregará todas as semanas, adiantadamente, em Ressano Garcia ou em qualquer outro local designado de comum acordo, as quantias necessárias para a entidade recrutadora fazer aos indígenas os pagamentos referidos na alínea c);

e) A entidade recrutadora e as minas darão ao curador todas as facilidades para que ele possa fiscalizar o cumprimento das disposições deste artigo.

ARTIGO XV

Os espólios dos indígenas portugueses falecidos e bem assim as com-

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gelde as kompensasie verskuldig ten aansien van sodanige Naturelle, moet aan die Kurator oorhandig word, onwaar die erfenegame of bevoorreedes nie opgespoor kan word nie, moet sodanige gelde deur die Regering van Mosambiek uitsluitlik tot welsyn van sy Naturellebevolking aangewend word. Dieselfde prosedure word gevolg ten opsigte van alle onopgeëiste ingehoue loon en alle ander onopgeëiste geld wat deur die Myne aan die Portugese Naturelle verskuldig is.

Alle interes op sodanige gelde en op die bedrae ooreenkomstig Artikel xiv gedeponcer, moet eweneens uitsluitlik tot welsyn van die Naturellebevolking van die Kolonie aangewend word.

ARTIEKEL XVI

Portugese Naturelle in diens van die Myne—hetsy hulle die Unie in gekom het met 'n paspoort; hetsy hulle een van die Kurator gekry het, waardeer hul posisie gewettig is—sal by beëindiging van hul diensyd op die Myne beskou word as verbode immigrante in die Unie, en in hierdie opsig sal die bepalinge van die Wette van die Unie reëlende die immigrasie toegepas word, en alle Portugese Naturelle as sodanig geïdentifiseer, wat nie in die besit is van 'n geldige en lopende Portugese paspoort sowel as van sodanige vergunning van die Unie owerheid as vereis mag word, sal ook as verbode immigrante aangemerkt word. Met die verstande egter dat, teneinde voorsiening te maak vir spesiale gevalle en ook om te verseker dat die repatriasie van Naturelle wat voor die van krag word van hierdie Konvensie in diens geneem is, nie die aantal vereis deur Artikel iii sal te bowe gaan nie, sal die Kurator geregtig wees om met toestemming van die Departement van Naturellesake van die Unie in besondere gevalle die toepassing van die voorskrifte van hierdie Artikel uit te stel.

ARTIEKEL XVII

Onderhewig aan skikkings tussen die Regerings van die Unie en van Mosambiek, sal die Regering van Mosambiek bevoeg wees om die emigrasie te magtig van Naturelle wat verlang om werk te soek op die Myne sonder die tussenkoms van die Werforganisasie. Alle sodanige Naturelle sal, by indiensneming deur die Myne, val onder die kwota wat neergele is in Artikel iii en onderhewig wees aan al die ander bepalinge van hierdie Konvensie.

ARTIEKEL XVIII

Alle gelde wat afgetrek moet word van die lone van Portugese Naturelle ten opsigte van voorskotte aan hulle deur die Myne gedaan op gesag van

compensation moneys due in respect of such Natives, shall be handed to the Curator, and where the heirs or beneficiaries cannot be traced, shall be applied exclusively to the welfare of the Native population of Mozambique by its Government. The like procedure shall apply in respect of any unclaimed deferred pay and any other unclaimed moneys due by the Mines to Portuguese Natives.

Any interest that may accrue upon such moneys, and also upon the amounts deposited under Article xiv, shall similarly be applied exclusively to the welfare of the Native population of the Colony.

ARTICLE XVI

Portuguese Natives in the employment of the Mines whether they entered the Union with a passport or whether they obtained one from the Curator legalizing their position shall upon the termination of their services on the Mines be regarded as prohibited immigrants in the Union, and in this respect the provisions of the Immigrants Regulation Laws of the Union shall be applied, and any Portuguese Native, identified as such, who is not in possession of a valid and current Portuguese passport in addition to such permission of the Union Authorities as may be required shall also be regarded as a prohibited immigrant. Provided, however, that in order to meet special cases and also to ensure that the repatriation of Natives engaged before the commencement of this Convention shall not exceed the volume necessitated by Article iii, it shall be competent for the Curator with the agreement of the Union Department of Native Affairs to postpone the requirements of this Article in specified cases.

ARTICLE XVII

Subject to arrangement between the Union and Mozambique Governments, it shall be competent for the Government of Mozambique to authorize the emigration of Natives who may desire to seek employment upon the Mines without the intervention of the Recruiting Organization. Any such Natives upon employment by the Mines shall fall within the quota laid down in Article iii and shall be subject to all the other provisions of this Convention.

ARTICLE XVIII

All deductions from the wages of Portuguese Natives in respect of advances made to them by the Mines under the authority of the Government

pensações devidas em relação a esses indígenas serão entregues ao curador e, quando os herdeiros ou beneficiários não forem encontrados, serão exclusivamente aplicados pelo Governo de Moçambique em benefício da população indígena de Moçambique. Igual procedimento será adoptado em relação a qualquer quantia retida e não reclamada pelos indígenas ou a quaisquer outros dinheiros devidos pelas minas aos indígenas portugueses que não tenham sido reclamados.

Os juros vencidos por esses dinheiros e pelas quantias depositadas nos termos do artigo xiv serão igualmente aplicados em exclusivo benefício da população indígena de Moçambique.

ARTIGO XVI

Os indígenas portugueses que deixem de regressar a Moçambique ao terminarem os contratos de serviço nas minas, quer tenham entrado na União com passaporte, quer tenham obtido esse passaporte do curador, legalizando assim a sua situação, serão considerados los imigrantes clandestinos (prohibited immigrants) na União, sendo-lhes aplicadas as disposições dos regulamentos dos imigrantes da União; e qualquer indígena português, identificado como tal, que não esteja na posse de um passaporte português válido ou revalidado, conjuntamente com a autorização das autoridades da União que possa ser necessária, será igualmente considerado imigrante clandestino (prohibited immigrant). No entanto, em casos especiais e para assegurar que a repatriação dos indígenas contratados antes desta Convenção entrar em vigor não exceda o número necessário para efectuar a redução do contingente fixado pelo artigo iii, o curador poderá, de acordo com a Repartição dos Negócios Indígenas da União, adiar, em casos especificados, a aplicação das disposições deste artigo.

ARTIGO XVII

Mediante acordo entre os Governos de Moçambique e da União poderá o Governo de Moçambique conceder passaportes especiais aos indígenas que desejem emigrar para serem empregados nas minas, independentemente da intervenção de uma entidade recrutadora, sendo o número desses indígenas, depois de empregados nas minas, incluído no contingente fixado no artigo iii e sendo-lhes aplicáveis todas as demais disposições desta Convenção.

ARTIGO XVIII

Todas as deduções nos salários dos indígenas portugueses para pagamento de adiantamentos que as minas lhes tenham feito com autorização do

BY James E. Anderson DATE 7/21/65

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die Regering van Mosambiek onder hierdie Konvensie voor hul indiens-treding sal ingehou word van die lone betaalbaar gedurende die eerst nege maande van hul dienstryd op die Myne. Die fooie wat kragtens hierdie Konvensie deur die Naturelle aan die Regering van Mosambiek verskuldig is, sal ook van die lone, behalwe van daardie gedeelte wat as uitgestelde betaling ingehou is, afgetrek en aan die Kurator oorhandig word.

ARTIEKEL XIX

Vir sover as sodanige sake onder die beheer van die Regering van die Unie of van Mosambiek is, mag die vervoerkoste van die Naturelle van die Myne na hul wonings nie die ooreenkomstige vervoerkoste van hul wonings na die Myne te bowe gaan nie.

ARTIEKEL XX

Geen Portugese Naturel, wat in die besit is van 'n Portugese paspoort, uitgereik in ooreenstemming met hierdie Konvensie, sal verplig wees om die Hutbelasting gelê op die Naturelle van die Unie, te betaal nie.

ARTIEKEL XXI

Geen pas sal deur die Regering van die Unie uitgereik word aan Portugese Naturelle wat nie in die besit van 'n geldige Portugese paspoort is nie, en geen sodanige Naturelle sal deur die Amptenare van die Regering van die Unie geregistreer word nie anders as op vertoon van 'n skriftelike magtiging deur die Kurator.

ARTIEKEL XXII

Geen pas sal deur die Regering van die Unie uitgereik word aan Portugese Naturelle in sy gebiede woonagtig, teneinde hulle in staat te stel om na enige land behalwe Mosambiek te reis, tensy hulle 'n skriftelike magtiging van die Kurator toon, en alle reispasse wat die Portugese Naturelle in staat stel om die Unie te verlaat, moet deur die Kurator geviseer word. Geen passe mag.

ARTIEKEL XXIII

Gelde as kompensasie aan Portugese Naturelle verskuldig ten aansien van ongevalle of siekte opgedaan op die Myne, moet in die teenwoordigheid van die Kurator aan die Naturelle uitbetaal word ooreenkomstig die prosedure vas te stel deur die Direkteur van Naturelle-arbeid van die Unie en die Kurator.

ARTIEKEL XXIV

Die bepalings van die Myntering-wette Konsolidasie Wet, 1925, van die Unie, en alle wysigings daarvan, met

of Mozambique under this Convention before the commencement of their employment shall be made from the wages payable during the first nine months of their employment on the Mines. The fees due by the Natives to the Government of Mozambique under this Convention shall also be deducted by the Mines from the wages, other than the portion retained as deferred pay, and shall be handed to the Curator.

ARTICLE XIX

In so far as such matters are under the control of the Union or Mozambique Governments, the fares from the Mines to the Natives' homes shall not exceed the corresponding fares from their homes to the Mines.

ARTICLE XX

No Portuguese Native holding a Portuguese passport issued in accordance with this Convention shall be liable to pay the Hut Tax applicable to the Natives of the Union.

ARTICLE XXI

No pass shall be issued by the Union Government to Portuguese Natives who are not in possession of a valid Portuguese Passport, and no such Natives shall be registered by the Officials of the Union Government except on production of a written authority from the Curator.

ARTICLE XXII

No pass shall be issued by the Union Government to Portuguese Natives resident within its territories enabling them to travel to any country except Mozambique unless they produce a written authority from the Curator, and all travelling passes enabling the Portuguese Natives to leave the Union shall be viséed by the Curator. No passes shall be granted to Portuguese Natives enabling them to travel from one Province of the Union to another without the authority of the Curator.

ARTICLE XXIII

Compensation moneys due to Portuguese Natives in respect of accidents, or sickness, contracted on the Mines shall be paid to the Natives in the presence of the Curator in accordance with a procedure to be arranged between the Union Director of Native Labour and the Curator.

ARTICLE XXIV

The provisions of the Miners' Phthisis Acts Consolidation Act, 1925, of the Union, and any amendment there-

Governo de Moçambique, antes do começo do período de trabalho, serão efectuadas nos salários dos primeiros nove meses do seu emprêgo nas minas. Os emolumentos devidos pelos indígenas ao Governo de Moçambique, segundo esta Convenção, serão deduzidos pelas minas da parte dos salários não retida e serão entregues pelas mesmas minas ao curador.

ARTIGO XIX

As despesas de transporte dos indígenas para as suas terras, no que dependa dos Governos de Moçambique e da União, não excederão as das suas terras para as minas.

ARTIGO XX

Nenhum indígena português munido de um passaporte português, concedido em conformidade com esta Convenção, estará sujeito ao pagamento do imposto do palhota estabelecido para os indígenas da União.

ARTIGO XXI

Nenhum passe será concedido pelo Governo da União aos indígenas portugueses que não estejam munidos de um passaporte português válido, nem nenhum daqueles indígenas poderá ser registado pelas autoridades do Governo da União sem autorização escrita do curador.

ARTIGO XXII

O Governo da União não concederá passes aos indígenas portugueses residentes nos seus territórios, que lhes permitam sair da União para outro território que não seja o de Moçambique, a não ser com autorização escrita do curador, e carecendo do visto do curador todos os passes para os indígenas portugueses saírem da União. Sem autorização do curador não serão igualmente concedidos passes para os indígenas portugueses se deslocarem de província para província da União.

ARTIGO XXIII

As compensações devidas aos indígenas portugueses por motivo de acidentes ocorridos ou de doenças contraídas nas minas serão pagas a esses indígenas na presença do curador e de harmonia com as condições que forem estipuladas entre este e o director do trabalho indígena da União.

ARTIGO XXIV

As disposições da lei da União sobre a Tísica dos Mineiros (Miners' Phthisis Acts Consolidated Act, 1925) e

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betrekking tot die toekenning van voordele aan Naturelle woonagtig buite die Unie, en met betrekking tot die ondersoek van Naturelle vir daardie doel deur mediese amptenare woonagtig buite die Unie, sal ook van toepassing wees op Portugese Naturelle by hul terugkeer na Mosambiek.

ARTIEKEL XXV

Slegs in seer besondere gevalle sal die Amptenare van die Regering van Mosambiek paspoorte aan Portugese Naturelle vroue nitreik, teneinde hulle in staat te stel om die Unie te besoek, waarna hulle, indien hulle sonder 'n geldige paspoort gevind word, onmiddellik gerepatrieer sal word.

ARTIEKEL XXVI

Alle gelde, betaalbaar ooreenkomstig hierdie Konvensie, hetsy belasting, fooie, lone of enige ander gelde, moet in goud betaal en vereffen word.

ARTIEKEL XXVII

'n Portugese Amptenaar, wiese naam aan die Regering van die Unie meedeel moet word, sal op Johannesburg die pligte onderneem van Kurator vir alle Portugese Naturelle woonagtig in die Unie en belas wees met die funksies van Konsul ten opsigte van sulke Naturelle en van alle ander Naturelle uit Portugese Kolonies. Bovendien word die volgende bevoegdhede en pligte aan hom verleen en opgelê ten aansien van Portugese Naturelle:—

a) Om die outoriteite van die Unie te nader met die doel om tot 'n verstandhouding te kom in alle sake betreffende Portugese Naturelle in die Unie;

b) om alle gelde en belasting in te vorder, wat betaalbaar is aan die Kurator kragtens hierdie Konvensie ten opsigte van Portugese Naturelle werksaam in die Unie;

c) om paspoorte uit te reik of te weier aan Portugese Naturelle wat in die Unie gekom het sonder 'n paspoort van die Portugese Outoriteite en om gevolg te gee aan die voorbehoud in Artikel XVI in oorleg met die Departement van Naturelle Sake van die Unie;

d) om onderworpe aan die bepalinge van hierdie Konvensie die vernieuwing van paspoorte aan Portugese Naturelle toe te staan of te weier;

e) om met alle middele tot sy beskikking die registrasie op sy Kantoor van alle Portugese Naturelle in die Unie te bevorder;

f) om 'n agentskap te organiseer vir die in bewaringgewing en oormak van gelde behorende aan Portugese Naturelle;

g) om na te gaan hoe die Portugese Naturelle aan die verskillende Myne toegewys is en van laasgenoemde maandelikse state te verkry waarin

of, in regard to the award of benefits to Natives resident outside the Union, and in regard to the examination of Natives for that purpose by medical officers resident outside the Union shall apply also to Portuguese Natives on their return to Mozambique.

ARTICLE XXV

Only in very special cases shall the Officials of the Government of Mozambique issue passports to Portuguese Native women enabling them to visit the Union whence, if they are found without a valid passport, they shall be immediately repatriated.

ARTICLE XXVI

All moneys payable under this Convention whether taxes, fees, wages or any other moneys shall be paid and settled in gold.

ARTICLE XXVII

A Portuguese Official, whose name shall be communicated to the Union Government, shall undertake at Johannesburg the duties of Curator for all Portuguese Natives resident in the Union and shall be charged with the functions of a Consular Officer with respect to such Natives and all other Natives from Portuguese Colonies. In addition the following powers and duties shall attach to him in respect of Portuguese Natives:

a) To approach the Union Authorities with a view to arriving at an understanding in all matters relating to Portuguese Natives in the Union;

b) To collect all fees and taxes payable to the Curator under this Convention in respect of Portuguese Natives employed in the Union;

c) To issue or refuse passports to Portuguese Natives who may have entered the Union without a passport issued by the Portuguese Authorities and to give effect to the proviso in Article XVI in consultation with the Union Department of Native Affairs;

d) Subject to the terms of this Convention to grant or refuse the renewal of passports to Portuguese Natives;

e) To promote by all means at his command the registration at his Office of all Portuguese Natives in the Union;

f) To organize a Deposit and Transfer Agency for moneys belonging to Portuguese Natives;

g) To ascertain the allotment of Portuguese Natives to the different Mines and to obtain from the latter monthly returns showing the move-

ment of all the alterations, pelo que repõe a concessão de compensações aos indígenas residentes fora da União e aos exames dos indígenas, para esse fim, por médicos residentes fora da União, serão aplicadas também aos indígenas portugueses regressados a Moçambique.

ARTIGO XXV

Só em casos muito especiais concederão as autoridades de Moçambique passaportes a mulheres indígenas portuguesas para irem em visita à União, sendo imediatamente repatriadas as que ali forem encontradas sem passaporte válido.

ARTIGO XXVI

Todas as quantias em dinheiro devidas nos termos desta Convenção, sejam taxas, emolumentos, salários ou outras, serão pagas e liquidadas em ouro.

ARTIGO XXVII

Um funcionário português, com residência em Johannesburg, cujo nome será comunicado ao Governo da União, exercerá as funções de curador de todos os indígenas portugueses residentes na União, tendo toda a competência dos funcionários consulares com respeito a esses indígenas e a todos os outros das colônias portuguesas. Além destes poderes competem-lhe mais as seguintes atribuições e deveres em relação aos indígenas portugueses:

a) Entender-se com as autoridades da União sobre todos os assuntos que se liguem com os indígenas portugueses ali residentes;

b) Cobrar todos os emolumentos e taxas que devam ser pagas ao curador em virtude desta Convenção e em relação aos indígenas portugueses empregados na União;

c) Conceder ou recusar passaportes aos indígenas portugueses que tenham entrado na União sem passaporte emitido pelas autoridades portuguesas, e aplicar, de acordo com a Repartição dos Negócios Indígenas da União, as disposições da parte final do artigo XVI;

d) Conceder ou recusar, nos termos desta Convenção, a renovação de passaportes aos indígenas portugueses;

e) Promover, por todos os meios ao seu alcance, o registo na sua repartição de todos os indígenas portugueses residentes na União;

f) Organizar uma agência de depósitos e de transferência de dinheiros pertencentes aos indígenas portugueses;

g) Conhecer da distribuição dos indígenas portugueses pelas diferentes minas, obtendo destas a remessa mensal de mapas demonstrativos do mo-

die beweging van Naturellé, hul lone en aantal werkdae aangetoon word;

h) om, desverlangd, die ondersoek by te woon wat die owerheid van die Unie mag instel in verband met ernstige geskille of werkstakings, waarby Portugese Naturelle betrokke is;

i) om die belange en welvaart van Portugese Naturelle te behartig, die Regering van die Unie asook die Myne te nader, wanneer nodig die werkplekke en behuising van die Naturelle te besoek, aan wie altyd goeleentheid gegee word om aan die Kurator hul eise of ander sake voor te lê;

j) om in ooreenstemming met die owerheid van die Unie reëlings te tref vir die repatriasie van Portugese Naturelle, wie se repatriasie deur die Regering van Mosambiek verlang word, en vir die opskorting of intrekking van hul kontrakte;

k) om in ooreenstemming met die werkgewers aan Portugese Naturelle verlof toe te staan of te weier om Mosambiek te besoek tydens die duur van hul kontrakte;

l) om amptenare onder sy toesig aan te stel teneinde die bepalinge van hierdie Konvensie in die Unie uit te voer, waarook Portugese Naturelle aangetref mag word, indien die Kurator die bepalinge nie, deur die werkplekke persoonlik te besoek, kan uitvoer nie;

m) om aan sy ondergeskiktes sulke bevoegdhede as hy nodig mag ag vir die uitvoering van sy pligte, op te dra; mits aan die Regering van die Unie van die oordrag van enige bevoegdhede van die Kurator onder paragraaf l) en m) van hierdie Artikel kennis gegee word.

ARTIEKEL XXVIII

Die Regering van die Unie sal aan die Kurator by die uitoefening van sy pligte onder hierdie Konvensie alle nodige hulp verleen.

ARTIEKEL XXIX

Niks in hierdie Konvensie vervat sal afbreek doen aan enige regte verkry, of verpligtinge aangegaan, deur Naturelle werklik in diens van die Myne, of deur hul werkgewers uit kragte van ooreenkomste wat bestaan voor die inwerkingtreding van hierdie Konvensie, onderworpe aan die bepalinge van die eerste paragraaf van Artikel vi van die Konvensie van 1 April 1909.

ARTIEKEL XXX

By die verstryking van hierdie Konvensie sal die bepalinge daarvan van toepassing bly op Portugese Naturelle wat dan in diens is, en die Kurator

ment of the Natives, their wages and number of working days;

h) To attend, if so requested, at any enquiry that the Union Authorities may institute respecting grave disputes or strikes in which Portuguese Natives are involved;

i) To look after the interest and welfare of the Portuguese Natives, approaching the Union Government and the Mines, when necessary, to visit the localities of employment and residence of the Natives to whom facilities shall always be given for submitting to the Curator their claims or other matters;

j) In agreement with the Authorities of the Union to arrange the repatriation of Portuguese Natives whose repatriation is desired by the Government of Mozambique, and the suspension or cancellation of their contracts;

k) in agreement with the employers to grant or refuse leave to Portuguese Natives to visit Mozambique during the term of their contracts;

l) to appoint any of the officials under his control to carry out provisions of this Convention within the Union wherever Portuguese Natives may be found, in case the Curator is unable to carry them out personally by visiting the places of employment;

m) to delegate such powers to his subordinates as he thinks fit for the carrying out of his duties provided that the Union Government be advised of the delegation of any powers of the Curator under paragraphs l) and m) of this Article.

ARTICLE XXVIII

The Union Government shall afford the Curator all necessary assistance in the performance of his duties under this Convention.

ARTICLE XXIX

Nothing in this Convention shall detract from any rights acquired or liabilities incurred by Natives actually in employment upon the Mines or by their employers in terms of arrangements existing prior to the coming into force of this Convention, subject to the provisions of the first paragraph of Article vi of the Convention of 1st April, 1909.

ARTICLE XXX

On the expiration of this Convention, its terms shall apply in respect of Portuguese Natives then employed, and the Curator shall continue his

vimento de indígenas, seus salários e dias de trabalho;

h) Assistir às investigações determinadas pelas autoridades da União por motivo de graves desordens ou greves em que estejam envolvidos indígenas portugueses, quando para isso seja solicitado;

i) Zelar junto das autoridades da União e das minas pelos interesses e bem-estar dos indígenas portugueses e visitar os locais do trabalho e de alojamento, sendo sempre facultado o acesso dos indígenas até junto do curador a fim de lhe poderem apresentar as suas reclamações ou submeter quaisquer assuntos;

j) Fazer repatriar os indígenas portugueses requisitados pelo Governo de Moçambique, suspendendo ou cancelando os respectivos contratos de acordo com as autoridades da União;

k) Conceder ou recusar, de acordo com os padrões, licenças aos indígenas portugueses para irem em visita a Moçambique durante a vigência dos seus contratos;

l) Nomear entre os funcionários seus subordinados os que entender necessários para executar as disposições desta Convenção em qualquer parte dos territórios da União onde existam indígenas portugueses, quando não possa executá-las, visitando pessoalmente os locais de trabalho;

m) Delegar nos funcionários sob as suas ordens a parte das suas atribuições que julgar necessárias ao bom desempenho dos serviços, comunicando ao Governo da União as delegações de atribuições e nomeações que fizer nos termos desta alínea e da anterior.

ARTIGO XXVIII

O Governo da União prestará ao curador todo o auxílio necessário para o cumprimento das atribuições que lhe são conferidas por esta Convenção.

ARTIGO XXIX

Nada do que fica estipulado nesta Convenção afectará os direitos ou obrigações que dos indígenas portugueses actualmente empregados nas minas, quer das minas que os empregam, ou que resultem de contratos celebrados anteriormente à entrada em vigor desta Convenção, sujeita porém a doutrina deste artigo ao cumprimento das disposições da primeira parte da ~~artículo~~ ^{artigo} vi da Convenção de 1 de Abril de 1909.

ARTIGO XXX

Expirado o prazo desta Convenção, as suas disposições aplicar-se-ão aos indígenas portugueses que então estiverem empregados nas minas e o

sal sy werksaamhede hangende die repatriasie van sodanig Naturelle vortsit. In hierdie geval bly die bepaling vervat in Artikel xxviii van toepassing.

DEEL II

Hawe en spoorwee

ARTIEKEL XXXI

Die Regering van die Unie en die Regering van Mosambiek sal die nodige maatreëls en stappe neem om uitvoering te gee aan die bepaling van hierdie Konvensie insake die invoer en uitvoerverkeer van die Unie oor die hawe van Lourenço Marques.

ARTIEKEL XXXII

Onderworpe aan die bepaling van Artikel xxxiii onderneem die Regering van die Unie om aan die hawe en spoorwee van Lourenço Marques (hierna verder genoem Porto e C. F. L. M.) van vyftig tot vyf-en-vyftig persent van die totale hoeveelheid oorsese handelsgoedereverkeer naar die "konkurensiestreek" te versoker:

a) vir die doel van die berekening van die persentasie vermeld in hierdie Artikel word die goedere van oorsee ingevoer vir die siviele, militêre en spoorwegowerhede uitgesluit;

b) die "konkurensiestreek" beteken die streek wat begrens is deur lyne getrek tussen die stasies vir goedereverkeer wat Pretoria, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp en Pretoria bedien soos aangedui in die kaart aan hierdie Konvensie geheg, of'n ander streek waartoe ooreengekom mag word deur die twee spoorwegadministrasies.

ARTIEKEL XXXIII

As die hoeveelheid oorsese handelsgoedereverkeer, wat deur die hawe van Lourenço Marques na die "konkurensiestreek" gaan, gedurende die tydperk wat hierdie Konvensie in werking is, minder as vyftig persent of meer as vyf-en-vyftig persent van die totale hoeveelheid van sodanige verkeer na daardie streek oor al die hawens bedra, het een van beide Spoorwegadministrasies die reg om te vorder dat stappe gedoen word om gevolg te gee aan die bepaling van Artikel xxxii en in sodanige geval moet die twee Administrasies by onderlinge ooreenkoms sodanige stappe bepaal. Enige vermindering in die persentasie van sodanige verkeer deur die hawe van Lourenço Marques, veroorsaak deur'n omstandigheid waaroor die Regering van die Unie geen mag het nie, word uitgesluit van bogenelde bepaling.

Tensy anders ooreengekom, vind alle herreelings, wat kragtens die terme van hierdie Artikel by ooreen-

functions pending the repatriation of such Natives.

In such event the provisions of Article xxviii shall continue to apply.

PART II

Port and Railways

ARTICLE XXXI

The Union Government and the Government of Mozambique shall adopt the necessary means and methods to give effect to the provisions of this Convention regarding the import and export traffic of the Union conveyed through the Port of Lourenço Marques.

ARTICLE XXXII

Subject to the provisions of Article xxxiii, the Union Government undertakes to secure to the Port and Railways of Lourenço Marques (hereinafter called Porto e C. F. L. M.) from fifty to fifty-five per cent. of the total tonnage of commercial sea-borne goods traffic imported into the "competitive area":

a) For the purpose of computing the percentage referred to in this Article, sea-borne goods traffic for the civil, military, and railway authorities shall be excluded;

b) the "competitive area" shall mean the area bounded by lines drawn between the goods traffic stations serving Pretoria, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp, and Pretoria, as indicated in the map annexed to this Convention, or any other area which may be agreed upon by the two Railway Administrations.

ARTICLE XXXIII

If, during the period this Convention is in force, the tonnage of commercial sea-borne goods traffic passing through the Port of Lourenço Marques to the "competitive area" falls below fifty per cent. or exceeds fifty-five per cent. of the total tonnage of such traffic to that area *via* all ports, either Railway Administration shall have the right to claim that steps be taken to give effect to the provisions of Article xxxii, in which event the two Administrations shall mutually agree as to such steps. From the aforesaid provision shall be excepted the case of any diminution in the percentage of such traffic through the Port of Lourenço Marques occasioned by any circumstance not within the control of the Union Government.

Except by mutual consent, any adjustment agreed upon in terms of this Article shall take place every six

curador continuará no exercício das suas funções até a repatriação desses indígenas, mantendo-se em vigor as disposições do artigo xxviii.

PART II

Pôrto e caminhos de ferro

ARTIGO XXXI

O Governo de Moçambique e o Governo da União adoptarão as medidas necessárias para efectivar as disposições desta Convenção, que se referem ao tráfego de importação e exportação da União pelo pôrto de Lourenço Marques.

ARTIGO XXXII

O Governo da União assegura, nos termos das disposições do artigo xxxiii, que 50 a 55 por cento da tonelagem total das mercadorias importadas por via marítima, com destino à zona de competência, passará pelo Pôrto e Caminhos do Ferro de Lourenço Marques (adianto denominados Porto e C. F. L. M.):

a) Para efeitos do cálculo da percentagem referida neste artigo será excluído o tráfego das mercadorias importadas por via marítima com destino às autoridades civis, militares e ferroviárias;

b) Por zona de competência entende-se a zona limitada pelas linhas traçadas entre as estações de mercadorias de Pretória, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp e Pretória, conforme o mapa anexo a esta Convenção, ou qualquer outra zona determinada por acôrdo entre as duas administrações ferroviárias.

ARTIGO XXXIII

Se, durante a vigência desta Convenção, a tonelagem das mercadorias importadas por via marítima pelo pôrto de Lourenço Marques para a zona de competência for inferior a 50 por cento ou superior a 55 por cento da tonelagem total do mesmo tráfego importado para aquela zona de competência por via de todos os portos, qualquer das administrações ferroviárias terá o direito de reclamar que sejam adoptadas medidas para cumprimento das disposições do artigo xxxii, devendo então as duas administrações tomar de mútuo acôrdo as providências necessárias. Fica exceptuado porém o caso de qualquer diminuição na percentagem da tonelagem do dito tráfego pelo pôrto de Lourenço Marques ser motivada por circunstâncias fora da acção do Governo da União.

A não ser que por outra forma seja resolvido por mútuo acôrdo, os reajustamentos a fazer, nos termos deste

koms gemaak word, elke ses maande plaas, en word die persentasie van hoeveelheid bereken oor tydperke van ses maande, eindigende op die dertigste Junie en die een-en-dertigste Desember van elke jaar.

ARTIEKEL XXXIV

As spoorwegtariewe vir die verkeer van Lourenço Marques na stasies in die Unie gewysig moet word, word sodanige wysiging deur die Suid-Afrikaanse Spoorweg- en Haweadministrasie (hierna verder genoem die S. A. S. en H.) na raadpleging met die Administrasie van Porto e C. F. L. M. aangebring.

Die Administrasie van die S. A. S. en H. moet, alvorens enige verandering aan te bring in die tariewe van enige hawe na sodanige stasies, die kwessie oorweeg of die verandering die hoeveelheid verkeer oor die hawe van Lourenço Marques nadelig sal beïnvloed.

Die bepaling van hierdie Artikel is eweneens van toepassing op tariewe geldende vir die verkeer na nuwe lyne wat binne die Unie na die inwerking-treding van hierdie Konvensie vir eksplorasie geopen word.

ARTIEKEL XXXV

Onderworpe aan onderlinge ooreenkoms tussen die twee Spoorwegadministrasies, word die tariewe vir die produkte van die grond of van die nywerheid van Mosambiek en van die Unie wat vervoer word van die een land na die ander vir plaaslike verbruik, bereken op 'n deurgaande grondslag teen die vasgestelde S. A. S.-tariewe, wat van tyd tot tyd voorgeskryf word vir die vervoer van soortgelyke goedere oor die S. A. S. vir verbruik binne die Unie.

ARTIEKEL XXXVI

Tensy anders tussen die twee Spoorwegadministrasies ooreengekom, mag die spoorwegtariewe voorgeskryf deur hulle vir die vervoer van goedere van S. A. S.-stasies, of oor die S. A. S., na Lourenço Marques, bestem vir uitvoer oorsee buite Suid-Afrika of Suidwes-Afrika, in geen geval die spoorwegtariewe van tyd tot tyd voorgeskryf vir die uitvoer van soortgelyke goedere, vervoer oor dieselfde afstande binne die Unie na enige Uniehawe te bowe gaan nie.

ARTIEKEL XXXVII

Die verdeling van inkomste uit spoorwegtariewe vir die vervoer van goedere van S. A. S.-stasies na C. F. L. M.-stasies, en omgekeerd, word by onderlinge ooreenkoms tussen die twee Spoorwegadministrasies gereël, en by afwesigheid van 'n onderlinge ooreenkoms in ander sin, word verminde-

months, and the percentage of tonnage shall be calculated over periods of six months, ending on the thirtieth of June and the thirty-first of December of each year.

ARTICLE XXXIV

If railway rates on traffic from Lourenço Marques to stations in the Union are to be altered, such alteration shall be arranged by the South African Railways and Harbours Administration (hereinafter called the S. A. R. and H.) after consultation with the Porto e C. F. L. M. Administration.

The S. A. R. and H. Administration shall, before effecting any alteration in the rates from any port to such stations, give consideration to the question as to whether the alteration may be detrimental to the volume of traffic passing through the Port of Lourenço Marques.

The provisions of the present Article are likewise applicable in the case of rates on traffic to new lines opened for working within the Union after this Convention comes into force.

ARTICLE XXXV

Subject to mutual agreement between the two Railway Administrations, the rates for any of the products of the soil or of the industry of Mozambique and of the Union, conveyed from one country to the other for local consumption shall be calculated on a throughout basis at the S. A. R. schedule rates prescribed from time to time for the carriage of goods of the same description over the S. A. R. for consumption within the Union.

ARTICLE XXXVI

Unless otherwise mutually agreed upon between the two Railway Administrations, the railway rates prescribed by them on traffic from S. A. R. stations, or via the S. A. R., to Lourenço Marques for export overseas beyond South or South-West Africa, shall in no case exceed the railway rates prescribed from time to time for similar traffic carried like distances within the Union to any Union port for export.

ARTICLE XXXVII

The division of receipts derived from railway rates charged for the carriage of goods traffic from S. A. R. stations to C. F. L. M. stations, and vice versa, shall form the subject of mutual agreement between the two Railway Administrations; and, unless otherwise mutually agreed upon, reductions

artigo, terão lugar de seis em seis meses, devendo a percentagem da tonelagem ser calculada por períodos de seis meses, que terminam em 30 de Junho e 31 de Dezembro.

ARTIGO XXXIV

Se as tarifas ferroviárias aplicadas ao tráfego de Lourenço Marques para as estações da União tiverem de ser alteradas, as alterações serão feitas pela administração dos South African Railways and Harbours (adiante denominada S. A. R. & H.) mediante prévia consulta à administração do Porto e C. F. L. M.

A Administração dos S. A. R. & H., antes de efectuar qualquer alteração nas tarifas de qualquer porto para as referidas estações, tomará em consideração o prejuízo que possa advir dessa alteração para o volume do tráfego importado pelo porto de Lourenço Marques.

Estas disposições são análogamente aplicáveis às tarifas a fixar para novas linhas abertas à exploração na União depois de esta Convenção entrar em vigor.

ARTIGO XXXV

A não ser que por outra forma seja resolvido entre as duas administrações, as tarifas a aplicar aos produtos do solo ou da indústria de Moçambique e da União, transportados de um país para o outro para consumo local, serão calculadas em todo o percurso pelas tarifas constantes das tabelas que forem sendo estabelecidas pelos S. A. R. & H. para o transporte de mercadorias da mesma natureza nos S. A. R. para consumo dentro da União.

ARTIGO XXXVI

A não ser que por outro modo seja resolvido por acôrdo entre as duas administrações ferroviárias, as tarifas por elas fixadas para o tráfego das estações dos S. A. R. ou via S. A. R., com destino a Lourenço Marques, para exportação por via marítima, que não seja para a África do Sul ou para o Sudoeste Africano, não serão em caso algum superiores às tarifas que forem sendo fixadas para tráfego similar transportado a iguais distâncias dentro da União com destino a ser exportado por qualquer dos seus portos.

ARTIGO XXXVII

A partilha das receitas produzidas pelas tarifas ferroviárias aplicadas ao transporte de mercadorias das estações dos S. A. R. para as do C. F. L. M., e vice versa, constituirá objecto de acôrdo mútuo entre as duas administrações, ficando entendido, salvo outra resolução, que as diminuições

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rings of vormoederings in die inkomste, veroorsaak deur veranderings in die spoorwegtariewe, verdoel tussen die twee Spoorwegadministrasies in verhouding tot die verdeling wat bestaan het voor sodanige verandering.

Die vordeling van 'n tarief geskied op die grondslag van gemiddelde persentasies, waartoe ooreengekom word, of op die van vasgestelde voorhoudings. Beide Administrasies het die reg om toe-eis dat die verdelingsgrondslag van 'n tarief hersien moet word by tussenpose van minstens twaalf maande.

Wanneer goedere oorgebring is van een klas na 'n ander, word die tarief gevorder vir die vervoer van sodanige goedere verdeel op dieselfde grondslag as die verdeling van die tarief, onder welke dit oorgebring is.

ARTIEKEL XXXVIII

Mot betrekking tot invoer- en uitvoerverkeer van die Unie deur die hawe van Lourenço Marques, word die regte en heffings in die hawe van Lourenço Marques, vir sover dit uitvoerbaar is, gehef in dieselfde vorm as die regte en heffings wat van tyd tot tyd van krag is in die havens van die Unie, met die verstande dat, tensy dit anders onderling ooreengekom is, die regte en heffings soortgelyke heffings by Uniehavens nie mag oorskry nie.

ARTIEKEL XXXIX

In onderhandelings met 'n stoomvaartmaatskappy onderneem die Regering van die Unie om, indien en wanneer die Regering van Mosambiek dit vra, stappe te doen om die posisie van Lourenço Marques in sy verhouding tot die Unie as 'n hawe van invoer en uitvoer vir daardie gedeelte van die Unie, wat deur hom bedien word, te bespreek.

ARTIEKEL XL

'n Raad van Advies word deur die Regering van Mosambiek in die lewe geroep, die werksaamhede waarvan sal wees om oorweging te verleen aan, en advies te gee in verband met, die beste middels om die uitvoer van goedere van daardie gedeelte van die Unie, wat natuurlikerwyse bedien word deur die hawe van Lourenço Marques, te bevorder.

Die Regering van die Unie word deur die Regering van Mosambiek gevra om op die Raad van Advies te benoem drie lede, wat die nywerheid, handel en landbou van die Unie, of sodanige ander belange as die Regering van die Unie van tyd tot tyd mag bepaal, verteenwoordig.

Afskrifte van die notule van die werksaamhede van die Raad en alle verslae opgestel deur die Raad moet in Engels of Afrikaans aan die Regering van die Unie verstrekk word binne

or increases in the receipts occasioned by alterations in the railway rates shall be shared by the two Administrations in proportion to the division existing before any such alteration.

The division of any rate shall be on the basis of agreed average percentages or by means of fixed proportions. Either Administration shall have the right to claim that the basis of division of any rate shall be reviewed at intervals of not less than twelve months.

When goods have been transferred from one class to another, the rate charged for the carriage of such goods shall be divided on the same basis as the division of the rate to which they have been transferred.

ARTICLE XXXVIII

With regard to import and export traffic of the Union passing through the Port of Lourenço Marques, the Dues and Charges at the Port of Lourenço Marques shall, as far as practicable, be levied in the same form as the Dues and Charges operating from time to time at the Harbours of the Union, provided that, unless otherwise mutually agreed upon, the dues and charges shall not exceed similar charges at Union ports.

ARTICLE XXXIX

The Union Government undertakes, if and when requested by the Government of Mozambique, in any negotiations with any Shipping Company, to take steps to discuss the position of Lourenço Marques in its relation to the Union as a harbour dealing with import and export traffic of that portion of the Union served by that port.

ARTICLE XL

An Advisory Board shall be established by the Government of Mozambique, the functions of which shall be to consider and advise as to the best means of furthering the export of traffic from that portion of the Union naturally served by the Port of Lourenço Marques.

The Union Government shall be invited by the Government of Mozambique to nominate three members on the Advisory Board representative of the industry, commerce, and agriculture of the Union or of such other interests as the Union Government may from time to time determine.

Copies of the Minutes of the proceedings of the Board and all reports prepared by the Board shall be furnished to the Union Government, in the English or Afrikaans language,

ou aumentos nas receitas motivados por alterações nas tarifas ferroviárias serão divididos pelas duas administrações na mesma proporção em que se fazia a partilha antes de tais alterações.

A divisão de qualquer tarifa será feita na base de percentagens médias a fixar por acôrdo ou na base de partilhas fixas. Qualquer das administrações terá o direito de reclamar que seja revista a base da divisão de qualquer tarifa em períodos não inferiores a doze meses.

Quando houver transferência de mercadorias de uma classe de tarifas para outra, a tarifa aplicável ao transporte de tais mercadorias será partilhada na base de divisão da tarifa para a qual tenham sido transferidas.

ARTIGO XXXVIII

Os impostos e encargos do porto de Lourenço Marques no tráfego de importação e exportação da União terão, quanto possível, a mesma forma de incidência que os impostos e encargos que vigorarem nos portos da União, ficando entendido que, a não ser que por outra forma seja mutuamente resolvido, o quantitativo desses impostos não excederá o dos impostos e encargos similares dos portos da União.

ARTIGO XXXIX

O Governo da União, quando solicitado pelo Governo de Moçambique, obriga-se a discutir, em quaisquer negociações com companhias de navegação, a situação de Lourenço Marques relativamente à União como porto de importação e exportação do tráfego da parte da União que ele serve.

ARTIGO XL

O Governo de Moçambique instituirá um Conselho Consultivo cuja função será estudar e recomendar os melhores meios para desenvolver a exportação dos produtos oriundos da parte da União naturalmente servida pelo porto de Lourenço Marques.

O Governo da União será convidado pelo Governo de Moçambique a indicar três membros para o Conselho Consultivo como representantes da indústria, comércio e agricultura da União ou de outros ramos de actividade que o Governo da União julgue conveniente fazer representar para completo êxito do seu objectivo.

Das actas das reuniões do Conselho e dos seus relatórios serão enviadas ao Governo da União cópias em inglês ou afrikaans, dentro do prazo de 14 dias a contar das datas das sessões ou

veertien dae na elke vergadering van die Raad of na die indiening van 'n verslag deur die Raad by die Regering van Mosambiek.

ARTIEKEL XLI

Aangaande alle ander sake rakende die twee Spoorwegadministrasies, waarvoor geen voorsiening in hierdie Konvensie gemaak is nie, sal die Direkteur van die Porto e C. F. L. M. en die Hoofbestuurder van die S. A. S. en H. gereedlik mekaar raadpleeg, en alle sodanige sake word van tyd tot tyd, by ooreenkoms tussen die twee Spoorwegadministrasies gereël.

ARTIEKEL XLII

As die Bestuur van die gebied, bekend as Swasieland, oorgedra word aan die Unie in ooreenstemming met Artikel 151 van die Suidafrika Wet, 1909, onderneem die Regering van die Unie om die Spoorweg-en Haveraad van die Unie te versoek om oorgeweging te verleen aan, en verslag uit te bring oor, die vraag van spoorwegfasiliteite in die gebied van Swasieland, insluitende die verskaffing van spoorwegverbinding met die bestaande spoorweglyn van Lourenço Marques in die rigting van Swasieland.

ARTIEKEL XLIII

Vir die doel van besuiniging en doeltreffendheid, word die lokomotiewe, treine en die treinpersoneel, wat daarvoor beheer het, nie noodwendig beperk tot die lyne van die Administrasie, waaraan hulle behoort nie, maar kan hulle vir sover die twee Spoorwegadministrasies hieromtrent onderling ooreenkom, ook gebruik word oor die spoorweglyne van die ander Administrasie.

ARTIEKEL XLIV

Vir die doel van hierdie Konvensie beteken die Administrasie van die S. A. S. en H. en die Administrasie van die Porto e C. F. L. M. elke gesag aan wie die beheer van, en toelig oor, die spoorweë en hawens in die Unie en in Mosambiek onderskeidelik asdan opgedra is.

DEEL III

Doeane- en handelsoorgang

ARTIEKEL XLV

Die Regering van die Unie en die Portugese Regering, wat Mosambiek aangaan, verleen aan mekaar oor en weer die behandeling van die mees begunstigde nasie, soos hieronder vermeld:

Die produkte van die grond of van die nywerede van die Unie, by invoer in Mosambiek, en omgekeerd die produkte van die grond of van die nywerede van Mosambiek, by invoer

within fourteen days of any meeting of the Board or the submission of any report by the Board to the Government of Mozambique.

ARTICLE XLI

With regard to all other matters affecting the two Railway Administrations, not provided for in this Convention, the Director of the Porto e C. F. L. M. and the General Manager of the S. A. R. and H. shall consult freely, and all such matters shall form the subject of agreement from time to time between the two Railway Administrations.

ARTICLE XLII

The Union Government undertakes, should the Government of the territory known as Swaziland be transferred to the Union in accordance with Section 151 of the South Africa Act, 1909, to request the Railways and Harbours Board of the Union to consider and report upon the question of railway facilities in the territory of Swaziland, including the provision of railway connection with the existing railway line from Lourenço Marques in the direction of Swaziland.

ARTICLE XLIII

For the purpose of economy and efficiency, the engines, trains, and running staffs in charge thereof, shall not necessarily be restricted to the lines of the Administration to which they belong, but may, so far as the two Railway Administrations mutually agree, be utilized over the railway lines of the other Administration.

ARTICLE XLIV

For the purposes of this Convention, the Administration of the S. A. R. and H. and the Administration of the Porto e C. F. L. M. shall mean any authority in whom the management and control of the railways and harbours in the Union and in Mozambique, respectively, are for the time being vested.

PART III

Customs and commercial intercourse

ARTICLE XLV

The Union Government and the Portuguese Government, so far as concerns Mozambique, shall grant to each other reciprocally the treatment of the most favoured nation, as hereinafter stated:

The products of the soil or of the industries of the Union shall, on importation into Mozambique, and *vice versa* the products of the soil or of the industries of Mozambique shall,

da apresentação dos relatórios ao Governo do Moçambique.

ARTIGO XLI

Em relação a todos os assuntos que afectem as duas administrações ferroviárias que não estejam previstos nesta Convenção, o director do Porto e C. F. L. M. e o General Manager dos S. A. R. & H. consultar-se hão livremente, e todos estes assuntos farão objecto de acordos entre as duas administrações.

ARTIGO XLII

O Governo da União obriga-se, caso o governo do território conhecido pelo nome de Swazilândia seja transferido para a União, nos termos do artigo 151.º do South African Act, 1909, a solicitar do Railways & Harbours Board of the Union que estude e relate o assunto de facilidades ferroviárias no território da Swazilândia, incluindo uma ligação ferroviária com a actual linha que de Lourenço Marques se dirige àquele território.

ARTIGO XLIII

Para efeitos de economia e eficiência, a circulação de locomotivas, comboios e respectivo pessoal não será necessariamente restrita às linhas da administração a que pertencem, podendo, tanto quanto as duas administrações mutuamente concordem, ser extensiva às linhas da outra administração.

ARTIGO XLIV

Para os efeitos desta Convenção entender-se há por administração do Porto e C. F. L. M. a por administração dos S. A. R. & H. qualquer autoridade a quem a direcção e superintendência dos caminhos de ferro e portos de Moçambique e da União sejam respectivamente e em qualquer tempo cometidas.

PARTE III

Alfândegas e intercâmbio comercial

ARTIGO XLV

O Governo Português, em relação a Moçambique, e o Governo da União concedem-se reciprocamente o tratamento da nação mais favorecida, nas seguintes condições:

Os produtos do solo ou das indústrias de Moçambique importados na União e, reciprocamente, os produtos do solo ou das indústrias da União importados em Moçambique não ficam

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in die Unie, sal nie onderhewig wees aan ander of hoër regte of heffings as die wat gehêf word of mag word op dergelyke produkte van enige ander land; met die verstande dat:

a) produkte van die Unie nie op die doeaneveroorregte, wat deur Mosambiek vergun word, of hierna vergun mag word, aan die produkte van Portugal, Madeira, die Asore en die Portugese kolonies sal geregtig wees nie;

b) produkte van Mosambiek nie geregtig sal wees nie op sodanige minimum invoerregte of kortings as onder die wetgewing van die Unie vergun word, of hierna vergun mag word, ten aansien van produkte van Groot Brittanje en Noord-Ierland en van die Britse Vrygeweste, Kolonies of Besittings daarvandaan vir verbruik in die Unie ingevoer;

c) produkte van Mosambiek nie geregtig sal wees nie op die voorregte wat verleë word aan die produkte van Suid- en Noord-Rhodesië en van die gebiede van Basoetoeland, Swasieland en die van die Betsjoeanaland-Protektoraat, ingevolge die doeaneverooreenkomste, wat nou bestaan, of dergelyke ooreenkomste wat hierna aangegaan mag word tussen die Regerings van die Unie en van die genoemde lande en grondgebiede;

d) die effing van dumpingregte hetsy deur die Regering van die Unie, hetsy deur die Regering van Mosambiek in belang van 'n nywerheid binne die Unie of Mosambiek respektiewelik opgerig, nie as onbestaanbaar met die bepalinge van hierdie konvensie behou sal word nie.

ARTIEKEL XLVI

Die produkte van die grond of van die nywerhede van die Unie, in die aangehegte Bylae «B» uiteengesit, sal in Mosambiek toegelaat word sonder betaling van enige invoerregte, en wederkeriglik sal die produkte van die grond of van die nywerhede van Mosambiek, in die aangehegte Bylae «A» uiteengesit, in die Unie toegelaat word sonder betaling van enige invoerregte.

ARTIEKEL XLVII

a) In geval 'n aksyns of ander binne-landse reg in die Unie gehêf word van soortgelyke produkte van die Unie as die in Bylae «A» vermeld, of, in Mosambiek, van soortgelyke produkte van Mosambiek as die in Bylae «B» vermeld, sal 'n ooreenstemmende reg of ekstrabelasting by invoer gehêf word van soortgelyke produkte van Mosambiek of van die Unie respektiewelik.

b) By invoer in Mosambiek sal die produkte van die Unie in Bylae «B» vermeld, en by invoer in die Unie sal die produkte van Mosambiek in Bylae «A» vermeld, onderhewig wees aan

on importation into the Union, not be subject to ther or higher duties or charges than those which are or may be levied on the like products of any other country; provided that:

a) products of the Union shall not be entitled to the customs privileges which are or may hereafter be accorded by Mozambique to the products of Portugal, Madeira, the Azores, and the Portuguese colonies;

b) products of Mozambique shall not be entitled to such minimum rates or rebates as under the legislation of the Union are or may hereafter be granted in respect of products of Great Britain and Northern Ireland and the British Dominions, Colonies, or Possessions when imported therefrom for consumption within the Union;

c) products of Mozambique shall not be entitled to the privileges accorded to the products of Southern and Northern Rhodesia and of the territories of Basutoland, Swaziland, and the Bechuanaland Protectorate, by virtue of the customs agreements now existing or agreements of a like nature hereafter concluded between the Governments of the Union and of the said countries and territories;

d) the levying of dumping duties by either the Union Government or the Mozambique Government, in the interest of an industry established within the Union or Mozambique respectively, shall not be deemed to be incompatible with the provisions of this Convention.

ARTICLE XLVI

The products of the soil or of the industries of the Union, as set forth in Schedule B annexed, shall be admitted into Mozambique without payment of any import duties, and reciprocally the products of the soil or of the industries of Mozambique, as set forth in Schedule A annexed, shall be admitted into the Union without payment of any import duties.

ARTICLE XLVII

a) In the event of any excise or other internal duty being imposed in the Union on any products of the Union similar to those specified in Schedule A, or in Mozambique on any products of Mozambique similar to those specified in Schedule B, a corresponding duty or surtax shall, on importation, be levied on the like products of Mozambique or of the Union respectively.

b) The products of the Union specified in Schedule B, when imported into Mozambique and the products of Mozambique specified in Schedule A when imported into the Union, shall be li-

sujeitos a outros ou a mais elevados direitos ou encargos, do que os que incidam sobre produtos similares de qualquer outro país, salvas as seguintes exceções:

a) Os produtos da União importados em Moçambique não gozam do tratamento especial que seja concedido por Moçambique aos produtos de Portugal, da Madeira, dos Açores e das colónias portuguesas;

b) Os produtos de Moçambique não beneficiam das pautas mínimas nem dos bônus (rebates) que a União concede à importação para consumo de produtos da Grã-Bretanha e da Irlanda do Norte, das colónias e possessões ou dos domínios britânicos;

c) Os produtos de Moçambique não beneficiam do tratamento especial que seja concedido pela União aos produtos da Rodésia do Sul e da Rodésia do Norte, nem aos da Basutolândia, da Swazilândia e do Protectorado da Bechuanalândia, por virtude dos acordos aduaneiros existentes ou que de futuro venham a fazer-se entre a União e os mesmos países e territórios;

d) Não é incompatível com as disposições desta Convenção o lançamento de sobretaxas aduaneiras (dumping duties), tanto por parte de Moçambique como da União, com o fim de proteger as indústrias estabelecidas nos respectivos territórios.

ARTIGO XLVI

Os produtos do solo ou das indústrias de Moçambique constantes da tabela A são isentos de quaisquer direitos de importação na União e, reciprocamente, os produtos do solo ou das indústrias da União constantes da tabela B são isentos de quaisquer direitos de importação em Moçambique.

ARTIGO XLVII

a) No caso de na União ser lançado algum imposto de consumo ou outro de carácter interno sobre produtos da União similares aos especificados na tabela A, ou em Moçambique, sobre produtos de Moçambique similares aos especificados na tabela B, será lançado um imposto correspondente ou sobretaxa, na importação dos produtos, respectivamente, de Moçambique ou da União;

b) Os produtos de Moçambique especificados na tabela A, importados na União, e os produtos da União, especificados na tabela B, importados em Moçambique, ficam sujeitos às ta-

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die laagste munisipale of ander binne-landse belastinge wat in Mosambiek on- in die Unie, respektiewelik, gehef word of sal word.

ARTIEKEL XLVIII

Alle produkte van die grond of van die nywerhede van die Unie sal by deurvoer deur Mosambiek, en alle produkte van die grond of van die nywerhede van Mosambiek, by deurvoer deur die Unie, vrygestel wees van deurvoer-, uitvoer- of heruitvoerbelaastinge in Mosambiek en in die Unie, respektiewelik, maar onderhewig bly aan heffing, en, in die geval van Mosambiek aan die belasting bekend as die handelsbydrae, aan vuurtoringgelde en seëlregte, met die volgende voorbehoude:

a) Die deurvoer deur, of heruitvoer van Mosambiek van alle minerale, met insluiting van bunkersteenkool, wat die produkte van die Unie is, sal vry van invoer- of enige ander belastinge in Mosambiek wees;

b) Die deurvoer deur, of heruitvoer van Mosambiek van goue munt na, of van, die grondgebied van die Unie sal vry van invoer- of enige ander belastinge in Mosambiek wees.

ARTIEKEL XLIX

a) Goedere van enige oorsprong of nasionaliteit wat in deurvoer deur, of weer uitgevoer word van, die distrik Lourenço Marques en bestem is vir die Unie, sal vry wees van alle deurvoer- en heruitvoerbelaastinge in Lourenço Marques, behalwe van die handelsbydrae, vuurtoringgelde en seëlregte.

b) Goedere van enige oorsprong of nasionaliteit wat in deurvoer deur die Unie is, of weer uitgevoer word, en vir Mosambiek bestem is, sal vry wees van alle deurvoeren heruitvoerbelaastinge in die Unie.

ARTIEKEL L

Goedere van enige oorsprong of nasionaliteit wat oor land van die Unie in die distrik Lourenço Marques aankom vir verskeping van Lourenço Marques sal vry wees van alle deurvoer- en heruitvoerbelaastinge, behalwe vuurtoringgelde en seëlregte.

ARTIEKEL LI

1) Goedere uit douanepakhuisen en uit entrepotpakhuisen binne die distrik Lourenço Marques sal in die Unie toegelaat word na betaling van die belastinge wat in die Unie van krag is op dié datum van inkom; en *ad valorem* regte sal bereken word op die waarde van die goedere in die land

able to the lowest municipal or other internal taxes levied or to be levied in Mozambique and the Union respectively.

ARTICLE XLVIII

All products of the soil or of the industries of the Union passing in transit through Mozambique, and all products of the soil or of the industries of Mozambique passing in transit through the Union, shall be exempt from transit, export, or re-export duties in Mozambique and the Union respectively, but shall remain liable to port charges, and in the case of Mozambique to the tax known as the commercial contribution, to lighthouse dues and stamp duties, subject to the following reservations:

a) The transit through or re-exportation from Mozambique of minerals of all kinds, including coal for bunkers, being the products of the Union, shall be free of customs duties or any other taxes whatsoever in Mozambique;

b) The transit through or re-exportation from Mozambique of gold coin to or from the territory of the Union shall be free of customs duties and any other taxes whatsoever in Mozambique.

ARTICLE XLIX

a) Goods of any origin or nationality passing in transit through or re-exported from the district of Lourenço Marques and destined for the Union, shall be free of all transit and re-export duties in Lourenço Marques, except the commercial contribution, lighthouse dues, and stamp duties.

b) Goods of any origin or nationality passing in transit through or re-exported from the Union and destined for Mozambique shall be free of all transit and re-export duties in the Union.

ARTICLE L

Goods of any origin or nationality arriving in the district of Lourenço Marques from the Union by land for shipment from Lourenço Marques, shall be free of all transit and re-export duties, except lighthouse dues and stamp duties.

ARTICLE LI

1) Goods *ex* customs warehouses and *ex* bonded warehouses within the district of Lourenço Marques shall be admitted into the Union upon payment of the duties in force in the Union at the time of entry thereto, *ad valorem* duties to be assessed on the value of the goods in the country whence

xas mínimas municipais ou outras internas que sejam cobradas na União ou em Moçambique respectivamente.

ARTIGO XLVIII

Os produtos do solo ou das indústrias de Moçambique, em trânsito pela União, e os produtos do solo ou das indústrias da União, em trânsito por Moçambique, são isentos de direitos de trânsito, de exportação e de reexportação na União e em Moçambique respectivamente, mas ficam sujeitos aos encargos do porto e, além destes, em Moçambique, à contribuição comercial, ao imposto de farolagem e de selo, ficando contudo isentos de quaisquer direitos aduaneiros ou taxas de qualquer natureza:

a) O trânsito ou reexportação por Moçambique de minérios de todas as qualidades, originários da União, incluindo carvão para consumo dos navios;

b) O trânsito ou reexportação por Moçambique de ouro amoeado procedente da União ou a ela destinado.

ARTIGO XLIX

a) As mercadorias de qualquer origem ou nacionalidade, em trânsito ou reexportação pelo distrito de Lourenço Marques, com destino à União, são isentas de quaisquer direitos de trânsito ou de reexportação em Lourenço Marques, mas ficam sujeitas à contribuição comercial e aos impostos de farolagem e de selo;

b) As mercadorias de qualquer origem ou nacionalidade, em trânsito ou reexportação pela União, com destino a Moçambique, são isentas na União de quaisquer direitos de trânsito ou de reexportação.

ARTIGO L

As mercadorias de qualquer origem ou nacionalidade que vierem da União, por via terrestre, para o distrito de Lourenço Marques, a fim de serem embarcadas em Lourenço Marques, são isentas de quaisquer direitos de trânsito e de reexportação, mas ficam sujeitas aos impostos de farolagem e de selo.

ARTIGO LI

1) As mercadorias que saírem dos armazéns da alfândega ou dos armazéns alfandegados do distrito de Lourenço Marques, para entrarem na União, ficam sujeitas aos direitos de importação que ali estiverem em vigor à data da sua entrada, sendo os direitos *ad valorem* calculados sobre

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vanwaar hulle na Lourenço Marques uitgevoer is op die tyd van uitvoer.

2) Sodanige goedere sal in Lourenço Marques vrygestel wees van die betaling van enige deurvoer- of heruitvoerbelasting, behalwe hawegelde, die handelsbydrae en seëlregte.

3) Invoerders van sodanige goedere in die Unie sal voldoende getuienis moet lever, om die dooane van die Unie omtrent die waarde daarvan te verseker te stel, en ook enige informasie, wat nodig mag wees vir die beskerming van die inkomste van die Unie verskaf.

ARTIEKEL LH

Die Regerings van die Unie en Moambiek onderneem om die onderlinge handelsverkeer nie deur die oplegging van verbodsbepalings of besondere beperkings op die invoer in, of uitvoer van, hulle respektiewe grondgebiede te belemmer nie. Uitsonderings kan gemaak word:

1) ter willo van die publieke veiligheid of volksgesondheid en op morele en mensliwende gronde;

2) terwille van die beskerming van diero en plante teen siekte, insekte en skadelike parasiete, of vir hulle bewaring teen ontarding of uitsterwing;

3) ten aansien van wapens, ammunisie en krygsmateriaal, en, onder buitengewone omstandighede, ander militêre voorrade;

4) ten aansien van die uitvoer van nasionale skatte van artistieke, historiese of oudheidkundige waarde;

5) ten aansien van goedere wat voorwerpe van 'n Staatsmonopolie is of mag word;

6) ten aansien van goedere in 'n gevangenis of strafgevangenis gemaak;

7) deur die toepassing op ingevoerde produkte van die verbode of beperkings wat opgelê word, of mag word, ten aansien van die produksie, verkoop, vervoer of verbruik van soortgelyke plaaslike produkte;

8) deur die uitvoer van hulle produkte aan sekere voorwaardes te onderwerp met die doel om die gehalte te verseker en om die goeie naam van daardie produkte te behou, en ter selfder tyd 'n waarborg aan die buitelandse kopers te verskaf;

met die voorbehoud dat sodanige verbode of beperkings ter selfder tyd en op dieselfde manier en in dieselfde mate toegepas sal word op ander lande waar soortgelyke gronde bestaan vir die toepassing van sodanige maatreëls, en met die verdere voorbehoud dat hulle nie 'n vermomde beperking op die onderlinge handel uitmaak nie.

exported to Lourenço Marques at the time of exportation.

2) Such goods shall be exempt in Lourenço Marques from the payment of any transit or re-export duties, except port charges, the commercial contribution and stamp duties.

3) Importers of such goods into the Union will be required to produce sufficient evidence to satisfy the Union customs as to their value and also to furnish any other information which may be required for the protection of the revenue of the Union.

ARTICLE LH

The Governments of the Union and Mozambique undertake not to impede the mutual trade by the imposition of any prohibitions or special restrictions upon imports into or exports from their respective territories, but exceptions may be made:

1) in consideration of the public safety, or public health, and on moral or humanitarian grounds;

2) in consideration of the protection of animals and plants against disease, insects and harmful parasites, or for their preservation from degeneration or extinction;

3) in respect of arms, ammunition and implements of war, and under exceptional circumstances, other military supplies;

4) in respect of the export of national treasures of artistic, historic or archaeological value;

5) in respect of goods which are or may be objects of a State monopoly;

6) in respect of prison or penitentiary-made goods;

7) in extending to imported products the prohibitions or restrictions which are or may be imposed in respect of the production, sale, transport or consumption of similar local products;

8) in subjecting the exportation of their products to certain conditions with a view to ensuring the quality and preserving the reputation of those products, and at the same time offering a guarantee to the foreign purchaser;

provided that such prohibitions or restrictions are applied at the same time and in the same manner and to the same extent to other countries in regard to which like grounds for applying such measures exist, and provided further that they do not constitute a disguised restriction on the mutual trade.

o valor das mercadorias no país exportador na data em que foram exportadas para Lourenço Marques.

2) As mercadorias acima referidas são isentas em Lourenço Marques de quaisquer direitos de trânsito ou de reexportação, ficando contudo sujeitas ao pagamento dos impostos e encargos do porto, da contribuição comercial e do selo.

3) Os importadores destas mercadorias na União têm de apresentar prova bastante acerca do seu valor que satisfaça as alfândegas da União, devendo prestar também todas as informações que lhes forem exigidas para salvaguarda das receitas da União.

ARTIGO LH

Os Governos de Moçambique e da União obrigam-se a não pôr impedimentos ao intercâmbio comercial dos dois países pela imposição de proibições ou restrições especiais à importação ou exportação dos respectivos territórios, com exceção do que respeita a:

1) Segurança pública e saúde pública, e motivos de ordem moral e humanitária;

2) Protecção do animais e plantas contra doenças, insectos e parasitas nocivos, ou para evitar a sua degenerescência ou extinção;

3) Armas, munições e material de guerra e, em circunstâncias excepcionais, outros artigos militares;

4) Exportação de tesouros nacionais de valor artístico, histórico ou arqueológico;

5) Mercadorias monopolizadas pelo Estado;

6) Mercadorias fabricadas nas prisões ou penitenciárias;

7) Importação de mercadorias cuja produção, venda, transporte ou consumo no país importador seja proibida ou limitada;

8) Imposição de condições respeitantes à exportação de certos produtos para garantir a sua qualidade, a conservação, bom nome e, ao mesmo tempo, para salvaguarda dos interesses dos compradores no estrangeiro;

As medidas proibitivas ou restritivas do comércio, acima mencionadas, só poderão adoptar-se quando forem aplicadas ao mesmo tempo, da mesma maneira e na mesma amplitude a outros países onde prevaleçam motivos análogos que as justifiquem, e em caso algum poderão constituir uma restrição disfarçada do intercâmbio entre Moçambique e a União.

DEEL IV

Gemengde Bepalings

ARTIEKEL LIII

Met betrekking tot die bepallings van hierdie Konvensie onderneem die Unie Regering en die Portugese Regering:

a) om alle maatreëls te neem en alle wette te passeer wat nodig mag wees vir die getroue nalewing van die Artikels hierin vervat;

b) geen maatreëls te neem en geen wette te passeer wat die uitwerking daarvan mag vernietig of verminder nie.

ARTIEKEL LIV

Hierdie Konvensie sal van krag wees vir 'n tydperk van 10 jaar van die datum van ondertekening en sal daarna van krag bly tot na die afloop van 12 maande van die datum af waarop een van die Regerings dit opgesê het; met die verstande dat dit 5 jaar na datum van ondertekening elke Regering vry sal staan om 'n herziening van die terme daarvan te eis, waarna, by gebreke van wadersyds ooreenkoms, die Konvensie sal vervalles maande na datum van ontvangs van kennisgewing van beëindiging.

ARTIEKEL LV

Jare en maande waarna verwys word in die bepallings van hierdie Konvensie sal altyd kalenderjare en maande beteken, tensy iets anders uitdruklik bepaal is.

ARTIEKEL LVI

Elke geskil wat mag rys in verband met die nitig of die toepassing van hierdie Konvensie en wat nie besleg kan word deur direkte onderhandelings tussen die Regering van die Unie en die Portugese Regering nie sal onderwerp word aan arbitrasie en vir hierdie doel sal die Regering van die Unie as Arbitrer aanstel die Hoofregter van die Hooggeregshof van Suid-Afrika en die Portugese Regering die Regter-President van die Hof van Appel van Mosambiek. Indien die Regters vermeld nie in staat is om tot 'n gemeenskaplike beslissing te geraak nie, sal hulle gesamentlik 'n Skeidsregter kies. Indien hulle ten aansien van so'n aanstelling geen ooreenstemming kan bereik nie, sal die President van die Hoë Hof van Internasionale Regspraak in Den Haag gevra word om die nodige aanstelling te maak. Die prosedure sal wees *ex aequo et bono* en in ooreenstemming met die terme van submitisie, waaromtrent die Partye in elke besondere geval moet ooreenkom.

ARTIEKEL LVII

Nietoenstaande iets vervat in Artikel LIV met betrekking tot die inwerkingtreding van hierdie Konvensie van

PART IV

Miscellaneous

ARTICLE LIII

With respect to the provisions of this Convention the Union Government and the Portuguese Government undertake:

a) to adopt all measures and to enact all laws that may be necessary for the exact fulfilment of the Articles herein contained;

b) not to adopt measures and not to enact laws annulling or diminishing its effects.

ARTICLE LIV

This Convention shall be in force for a period of 10 years from the date of the signing thereof and shall thereafter remain in force until the expiration of 12 months from the date on which either of the Governments shall have denounced it; provided that five years after the date of the signing thereof it shall be open to either Government to call for a revision of its terms, whereupon in default of mutual agreement, the Convention shall lapse six months after the date of receipt of notice of termination.

ARTICLE LV

Years and months referred to in the provisions of this Convention shall always be calendar years and months, save in so far as they may be otherwise specified.

ARTICLE LVI

Any dispute that may arise relative to the interpretation or the carrying out of the Convention, and that cannot be settled by direct negotiations between the Union Government and the Portuguese Government shall be submitted to arbitration and to this end the Union Government will appoint as Arbitrer the Chief Justice of the Supreme Court of South Africa and the Portuguese Government the Judge-President of the Court of Appeal of Mozambique. If the Judges aforesaid are unable to reach a joint decision they shall together elect an umpire. If no appointment can be mutually agreed upon by them, the President of the High Court of International Justice at The Hague shall be requested to make the necessary appointment. The procedure shall be *ex aequo et bono* and in accordance with the terms of submission to be agreed upon in respect of each particular case.

ARTICLE LVII

Notwithstanding anything contained in Article LIV as to the coming into force of this Convention from the date

PARTE IV

Disposições diversas

ARTIGO LIII

Em relação às disposições desta Convenção, o Governo Português e o da União obrigam-se:

a) A adoptar todas as disposições e a promulgar todas as medidas legais necessárias para o seu exacto cumprimento;

b) A não adoptar disposições nem a promulgar as medidas legais que anulem ou diminuam os seus efeitos.

ARTIGO LIV

Esta Convenção vigorará por um período de dez anos, a contar da data da sua assinatura, mas continuará em vigor, depois desse período, até expirar o prazo de um ano, contado da data em que qualquer dos Governos a denunciar; mas, cinco anos a contar da assinatura, poderá qualquer dos Governos pedir a revisão das suas cláusulas, e, não havendo acordo sobre a revisão, a Convenção expirará no prazo de seis meses a contar da data da notificação para esse efeito.

ARTIGO LV

Os anos e meses referidos nas disposições desta Convenção serão sempre contados pelo calendário, a menos que por outra forma seja especificado.

ARTIGO LVI

Todas as divergências que se suscitarem relativamente à interpretação ou à execução desta Convenção, e que não possam ser resolvidas por negociações directas entre o Governo Português e o Governo da União, serão submetidas a arbitragem, nomeando o Governo Português para esse efeito seu árbitro o juiz presidente do Tribunal da Relação de Moçambique e o Governo da União o juiz presidente do Supremo Tribunal da África do Sul. Se estes dois juizes não chegarem a acordo, escolherão um árbitro de desempate, e, se não houver entendimento sobre esta escolha, o Presidente do Tribunal Permanente de Justiça Internacional da Haia será solicitado para fazer a necessária nomeação. O julgamento far-se-á *ex aequo et bono* e nos termos do compromisso arbitral que se há-de celebrar para cada caso.

ARTIGO LVII

O disposto no artigo LIV, no que se refere à entrada em vigor desta Convenção, a contar da data da sua

30 DE NOVEMBRO DE 1928

2421

die datum van toekening af, sal die bepalings van Artikels XLV en LI alleen in werking tree na uitwisseling van ratifikasies, welke uitwisseling van ratifikasies plaas sal he sonder onnodige vertraging op Lissabon.

Tor oorkonde waarvan die Verteenwoordigers van die respektiewe Regerings die teenswoordige Konvensie geteken en hulle seëls dearaan geheg het.

Gedaan op Pretoria in tripikaat in Afrikaans, Engelse en Portugese tekste op die Elfde dag van September 1928

N. C. Havenga.
C. W. Malan.
F. W. Beyers.

José Ricardo Pereira Cabral.
Carlos de Sá Carneiro.
José de Almada.

Bylae A

Bone, gedroog.
Byewas.
Kokosnoot.
Gedroogde kokosnoot.
Vis, vars en bevries.
Vrugte, vars.
Huide en velle, onbewerk.
Kafferkoring, in die korrel.
Wortelboombas en ekstrak.
Maniokwortel, meel en styfsl.

Giers, in die korrel.
Oliekoek en oliemeel, vir voer van vee.
Olies, van plante (behalwe van katoensaad).
Oliesaad (behalwe grondboontjies).
Uie, nie ingeleg nie.
Aardappels.
Rys.
Sisalvesel.
Tapioka.
Timmerhout, gesaag, met insluiting van mynstutte en spoorwagdwarslêers.

Houtskool.

Bylae B

Diere vir aanteloeleindes. Alle soorte.
Diere, lewende, naamlik perde, muile, skape en bokke.
Asbes.
Gars, in die korrel.
Botter, vars.
Kaas.
Steenkool.
Springstowwe.
Mjastowwe.
Vis, vars of bevries.
Vrugte, vars.
Voer en lusern.
Hoenders en eende, lewend.
Huide en velle, onbewerk.
Hawer, in die korrel of gobreek en hawer-meel.
Uie, nie ingeleg nie.
Plante en bome vir aanplanting.
Aardappels.
Saad vir saadoeleindes.
Swawelsuur.
Groente, vars.

of the signing thereof, the provisions of Articles XLV and LI shall only come into operation after the exchange of ratifications, such exchange of ratifications to take place at Lisbon without undue delay.

In witness whereof the representatives of the respective Governments have signed the present Convention and have affixed thereto their seals.

Done at Pretoria in triplicate in English, Afrikaans and Portuguese texts on the Eleventh day of September, 1928.

N. C. Havenga.
C. W. Malan.
F. W. Beyers.

José Ricardo Pereira Cabral.
Carlos de Sá Carneiro.
José de Almada.

Schedule A

Beans, dried.
Beeswax.
Coconuts.
Copra.
Fish, fresh or frozen.
Fruits, fresh.
Hides and skins, raw.
Kaffir corn, in the grain.
Mangrove bark and extract.
Manioc in the root, manioc flour and manioc starch.
Millet, in the grain.
Oilcake and oilmeal, for stock food.
Oils, vegetable (except from cotton-seed).
Oilseeds (except ground-nuts).
Onions, not preserved.
Potatoes.
Rice.
Sisal fibre.
Tapioca.
Timber, rough-sawn, including mine props and railway sleepers.
Vegetable charcoal.

Schedule B

Animals for breeding purposes — all kinds.
Animals, living, viz.: horses, mules, sheep and goats.
Asbestos.
Barley, in the grain.
Butter, fresh.
Cheese.
Coal.
Explosives.
Fertilizers.
Fish, fresh or frozen.
Fruits, fresh.
Fodder and lucerne.
Fowls and ducks, living.
Hides and skins, raw.
Oats, in the grain or crushed, and oatmeal.
Onions, not preserved.
Plants and trees for planting.
Potatoes.
Seeds for sowing.
Sulphuric acid.
Vegetables, fresh.

assingers, não é aplicável aos Artigos XLV e LI, que só entrarão em vigor depois do troca das ratificações, que deve ter lugar em Lisboa no mais curto prazo possível.

Em fé do que os representantes dos dois Governos firmam a presente Convenção, à qual apuseram os respectivos selos.

Feita em Pretória, em triplicado e em português, afrikaans e inglês, aos onze dias do mês de Setembro de mil novecentos e vinte e oito.

José Ricardo Pereira Cabral.
Carlos de Sá Carneiro.
José de Almada.

N. C. Havenga.
C. W. Malan.
F. W. Beyers.

Produtos do solo e da indústria da colónia de Moçambique livres de direitos de entrada na União da África do Sul:

Tabela A

Arroz.
Bagaços oleaginosos em bolos ou moldos para alimentação do gado.
Batatas.
Carvão vegetal.
Casca de mangal e extractos.
Cebolas, excepto em conserva.
Cera.
Cocos.
Copra.
Feijão seco.
Fibras de sisal.
Frutas verdes.
Madeira em bruto, e a simplesmente serrada, madeira em estacas para minas e travessas para caminhos de ferro.
Mandioca em bruto, farinha de mandioca o goma de mandioca.
Mapira em grão.
Mexoeira em grão.
Oleos vegetais, excepto os de algodão.
Peixe fresco ou congelado.
Pele e coiros em bruto.
Sementes oleaginosas, excepto amendoim.
Tapioca.

Produtos do solo e da indústria da União da África do Sul livres de direitos de entrada na colónia de Moçambique:

Tabela B

Animais vivos para procriação, de qualquer espécie.
Animais vivos: cavalos, muar, lanífero e caprino.
Ácido sulfúrico.
Adubos.
Asbestos.
Aveia em grão, trituração ou em farinha.
Batatas.
Carvão de pedra.
Cebolas, excepto em conserva.
Cevada em grão.
Explosivos.
Farrageos e luzernas.
Frutas verdes.
Galinhas e patos, vivos.
Legumes verdes.
Manteiga fresca.
Peixe fresco e congelado.
Pele e coiros em bruto.
Plantas e árvores para plantar.
Queijo.
Sementes para cultura.

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I SERIE — NÚMERO 277

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS

Direcção Geral dos Negócios Comerciais

Consulares

1.ª Repartição

Por ordem superior se faz público que, segundo co-
muniqueção da Legação da Polónia, a Polónia aderiu em

30 de Outubro de 1928 ao acordo de Madrid de 14 de
Abril de 1901, relativo à recepção de falsas indicações
de origem das mercadorias, revisto na Haia em 6 de
Novembro de 1925.

Direcção Geral dos Negócios Comerciais e Consula-
res, 26 de Novembro de 1928. — O Director Geral, A.
de Oliveira Soares.

DOCUMENT FILE

NOTE

SEE 853.00 P. R./21 FOR Despatch #2495

FROM Portugal (Dearing) DATED Jan. 16, 1929
TO NAME 1-1127 GPO

REGARDING: Portugal and Union of South Africa. Newspapers of the Transvaal, recently received at Lisbon, publish certain appreciations of the Convention between Portugal and Union of South Africa.

748a.539/91

PORTUGAL AND THE UNION OF SOUTH AFRICA.

The newspapers of the Transvaal, recently received at Lisbon, publish certain appreciations of the Convention between Portugal and the Union of South Africa, which must be duly considered. In the Union of South Africa, the ratification of the treaty belongs, by the Constitution, to the Legislative Lower, the public opinion having a considerable influence in international questions. It is worthy of note that the Chamber of Commerce of Johannesburg has addressed the President of the Ministry, General Hertzog, making a representation against the conditions of the Convention, which subjects the natives of Mozambique, on returning, to the general laws of the country. By the old convention, the natives had a customs treatment of an exceptional nature, because the Transvaal paid the Government of Mozambique seven shillings and six pence for each native, thus giving the faculty of importing a certain number of kilograms of cotton and other goods without paying duty. Thanks to this system, the natives upon returning from the mines to their homes, would provide themselves with the necessary goods, spending, on the way, in the Union of South Africa, a reasonable share of their savings. The Transvaal had made this agreement with Mozambique in order to facilitate the sale of textiles. Thus it was a help, given indirectly, by the State to the trade of

Johannesburg

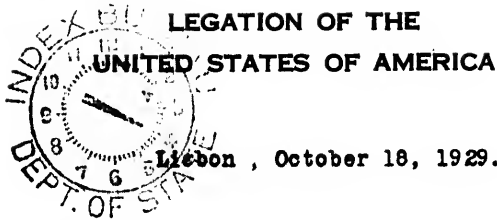
BY James E. Pringle DATE 7/21/65

Johannesburg. The Chamber of Commerce estimates that the merchants are experiencing the loss of more than one million pounds. The Chamber of Commerce and the Manufacturers Association will hold a meeting to study the matter.



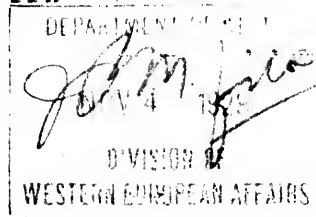
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PM RECD



WLC

NOV - 2 29



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SP
INDEX BUREAU
748a. 539/92

The Honorable

The Secretary of State,
Washington.

Sir:

748a. 539/90

With reference to the Legation's despatch No. 2470 of December 6, 1928, with which I had the honor to send to the Department the texts of the Convention between the Government of Portugal and the Government of the Union of South Africa of September 11, 1928, I now have the honor to report that the instruments of ratification of this Convention were exchanged in Lisbon on September 25, 1929. The Convention regulates the introduction of native labor from the Colony of Mozambique into the Province of the Transvaal, railway matters and the commercial intercourse between the Union of South Africa and the Colony of Mozambique.

I have the honor to be, Sir,

Your obedient servant,

In triplicate.

Fred Morris Dearing

FRED MORRIS DEARING.

FILED
NOV 6 - 1929

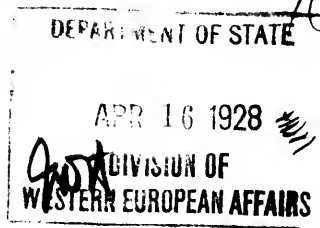
BY James E. Crimmins DATE 7/21/65



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UNITED STATES OF AMERICA

LONDON, April 2, 1928.

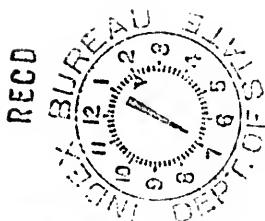
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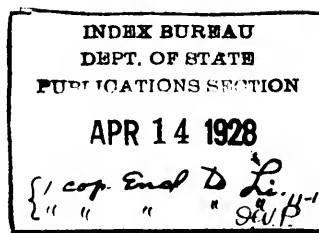
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Apr. 17, 1928
Dept. of State

1 dup. Encl. in Gray Sec 8



APR 13 1928



INDEX BUREAU
7420.539 15/1

The Honorable

The Secretary of State,

Washington, D.C.

Sir:

I have the honor to transmit herewith, for the information of the Department, copies, in quintuplicate, of a publication issued by the British Government entitled TREATY SERIES No. 8 (1928) NOTES EXCHANGED BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNION OF SOUTH AFRICA AND THE GOVERNMENT OF PORTUGAL FOR THE SETTLEMENT OF THE BOUNDARY BETWEEN THE UNION OF

SOUTH/

APR 18 1928

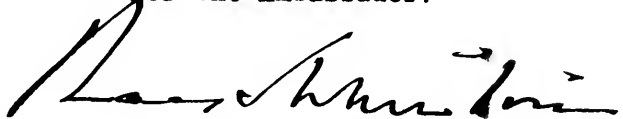
- 2 -

SOUTH AFRICA AND THE PROVINCE OF MOZAMBIQUE, with
two maps.

I have honor to be, Sir,

Your obedient servant,

For the Ambassador:



Ray Atherton,
Counselor of Embassy.

Enclosure:

✓ Ga 4/14/28

Cmd. 3070.



Treaty Series No. 8 (1928)

NOTES EXCHANGED BETWEEN
HIS MAJESTY'S GOVERNMENT IN
THE UNION OF SOUTH AFRICA AND
THE GOVERNMENT OF PORTUGAL

for the settlement of the

Boundary between the
Union of South Africa and the
Province of Mozambique

Lisbon, October 6, 1927

[WITH TWO MAPS]

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

LONDON:

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
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1928

Cmd. 3070

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7482.538/15/1

Notes exchanged between His Majesty's Government in the Union of South Africa and the Government of Portugal for the Settlement of the Boundary between the Union of South Africa and the Province of Mozambique.

Lisbon, October 6, 1927.

No. 1.

Mr. Grant Watson to Dr. Bettencourt Rodrigues.

*His Britannic Majesty's Embassy,
Lisbon, October 6, 1927.*

Your Excellency,

His Britannic Majesty's Government in the Union of South Africa have received the original signed versions in the English and Portuguese texts of the report, with its accompanying annex and maps, which was signed on the 18th February, 1926, by the Commissioners appointed to define by beacons that portion of the boundary line between the territories of the Union of South Africa and of the Province of Mozambique which lies between a point a few kilometres north of the Singwetsi River and the junction of the Limpopo and Pafuri Rivers.

I have the honour to inform your Excellency that I am now authorised to confirm, on behalf of His Britannic Majesty's Government in the Union of South Africa, the aforesaid report as set forth in the accompanying printed copies and maps duly certified by me and to state that they will be glad to receive a similar assurance on the part of the Portuguese Government.

In order to remedy certain minor defects in the signed report of the 18th February, 1926, it is understood that in paragraph 2 of the Portuguese text of that report the words "pyramides triangulares truncadas" shall be read "pyramides quadrangulares truncadas"; that in paragraph 3 of both the Portuguese and English texts the commas shall be erased from all the figures indicating the distance in metres from one beacon to another, as, for instance, in the case of Beacon No. II the figure "10,697.5" shall be read as "10697.5," and so on successively up to Beacon No. XIV inclusive; and that in the Portuguese text of paragraph 4 the words "E" shall be read as "Ê" and "tracado" as "traçado." In the Portuguese text of Annex A the word "ambras" in the heading shall be read as "ambas"; in paragraph 1 the words "que triangulação" shall be read "que a triangulação," "feita a medida" shall be read as "feita á medida," and "pala Missão" shall be read "pela Missão," and in paragraph 6 the words "na Pafuri" shall be read "no Pafuri."

The present Note and your Excellency's reply in a similar sense will be regarded as giving validity to, and as placing on record, the understanding between the respective Governments in the matter.

I avail, &c.

H. A. GRANT WATSON.

Enclosure in No. 1.

**Union of South Africa-Mozambique Boundary
Commission.**

We, the undersigned, Commander Filipe Trajano Vieira da Rocha, Lieutenant-Commander Camillo Laroche Semedo and Lieutenant-Commander Cesar Augusto de Oliveira Moura Braz as Commissioners for the Government of the Portuguese Republic; Walter Pears Murray, as Commissioner; and Ralph Edmund Antrobus, as Surveyor, for the Government of the Union of South Africa, appointed by our respective Governments to define by beacons that portion of the boundary line between the territories of the Union of South Africa and of the Province of Mozambique which lies between a point a few kilometres north of the Singwetsi River and the junction of the Limpopo and Pafuri Rivers, do hereby certify that:

1. The boundary is a straight line between beacon "T," which is the most northerly beacon of that portion of the boundary demarcated by a former Commission and the junction of the Limpopo and Pafuri Rivers referred to in paragraph 6 of Annexure (A) to this report.

2. The points on the boundary line are defined by cement concrete beacons being quadrangular truncated pyramids, each 60 centimetres wide at the base, 25 centimetres wide at the top and 1 metre 25 centimetres in height erected on a concrete platform 1 metre square and approximately 4 decimetres in depth sunk level with the surface of the surrounding ground.

The centre of each beacon is marked by a galvanised iron tube 0.05 metres inside diameter and 0.055 metres outside diameter. This tube is let into the base on which the beacon stands and its top is just flush with the top of the beacon.

3. The beacon at the first point north of the Singwetsi River, referred to as "T" in our instructions, consisted of a cairn of stones approximately 3 metres in height and 4 metres in circumference at the base. This was replaced by a concrete beacon of the dimensions mentioned in paragraph 2 above, which is marked on its northern face by the number I engraved in the cement.

The other beacons along the boundary line are similarly marked by consecutive numbers from II to XIV.

Beacon No. II, 10,697.5 metres from No. I, is on a comparatively level plain covered with small bush, and is about 150 metres from the foot of a small ridge running approximately north and south.

Beacon No. III, 5,778 metres from No. II, is on the slope of the ridge referred to above, which is sparsely covered with bush.

Beacon No. IV, 5,031.7 metres from No. III, is almost on the highest part of the ridge referred to above in rather heavy bush.

Beacon No. V, 4,786.7 metres from No. IV, is similarly situated to No. IV.

Beacon No. VI, 7,374.9 metres from No. V, is almost on the summit of the ridge in heavy bush and is about a kilometre to

BY James E. Vinton DATE 7/21/65

5

Comissão de Delimitação da Fronteira Moçambique- União da África do Sul.

Nós abaixo assinados, Walter Pears Murray, como comissario e Ralph Edmund Antrobus, como topografo por parte do Governo da União da África do Sul; Capitão de Fragata Filipe Trajano Vieira da Rocha, Capitão Tenente Camillo Laroche Semedo e Capitão Tenente Cesar Augusto de Oliveira Moura Braz, como comissarios por parte do Governo da Republica Portuguesa, nomeados pelos nossos respectivos Governos para definir por meio de marcos aparte da linha de fronteira entre os territorios da África do Sul e os da Provincia de Moçambique, compreendida entre um ponto alguns quilometros ao Norte do Rio Singuitze e a confluencia dos rios Limpopo e Pafuri, certificamos que:

1. A fronteira é uma linha recta entre o marco "T," o qual é o marco mais Norte da parte da fronteira demarcada por uma Comissão anterior e a confluencia dos rios Limpopo e Pafuri a que se refere o paragrafo 6 do anexo (A) a esta acta.

2. Os pontos na linha da fronteira são definidos por marcos de alvenaria de cimento com a forma de pyramides triangulares truncadas de 60 centimetros de largura na base, 25 centimetros de largura no topo e 1 metro e 25 centimetros de altura, construidas sobre uma plataforma de alvenaria de cimento de 1 metro quadrado e aproximadamente 4 decimetros de profundidade, mergulhada e a nivel com o terreno circunjacente.

O centro de cada marco está assinalado por um tubo de ferro zincado de 0.050 metros de diametro interior e 0.055 de diametro exterior. Este tubo mergulha na base sobre a qual se ergue o marco e o seu topo afflora a face superior do marco.

3. O primeiro marco ao Norte do rio Singuitze, designado por "T" nas nossas instruções era constituido por uma pyramide de pedra solta de aproximadamente 3 metros de altura e 4 metros de circumferencia na base. Esta foi substituida por um marco de alvenaria de cimento com as dimensões mencionadas no paragrafo 2 acima, o qual está marcado na sua face norte com o numero 1 gravado no cimento.

Os outros marcos ao longo da linha da fronteira estão marcados de forma semelhante por numeros consecutivos de II a XIV.

Marco numero II, a 10,697.5 metros do numero I, está em terreno relativamente plano coberto de vegetação escassa e a cerca de 150 metros do sopé de uma colina pouco elevada que corre aproximadamente Norte-Sul.

Marco numero III, a 5,778 metros do numero II, está na encosta da colina acima mencionada, a qual é revestida por mato pouco denso.

Marco numero IV, a 5,031.7 metros do numero III, está quasi na parte mais alta da colina acima mencionada no meio de mato bastante denso.

Marco numero V, a 4,786.7 metros do numero IV, está situado semelhantemente ao marco numero IV.

Marco numero VI, a 7,374.9 metros do numero V, está quasi no topo da colina no meio de mato denso a cerca de 1 quilometro

the south of a deep valley in which water may be found during the greater part of the year.

Beacon No. VII, 13,004 metres from No. VI, is on slightly elevated ground in heavy bush, and is about a kilometre to the west of a small lagoon or "pan" which holds water for the greater part of the year.

Beacon No. VIII, 10,983 metres from No. VII, is in dense scrub known by the native name of "Nyundu." It is situated in the middle of a roadway of an average width of 10 metres cut through the Nyundu bush along the boundary line.

Beacon No. IX, 10,388 metres from No. VIII, is almost on the south-east edge of a sandy elevation which is covered with fairly heavy bush.

Beacon No. X, 6,986.5 metres from No. IX, is in heavy bush on elevated ground north of the Malunga Valley.

Beacon No. XI, 8,164.4 metres from No. X, is on a bare hill on the highest part of the range overlooking the Limpopo and Pafuri Valleys.

Beacon No. XII, 2,374 metres from No. XI, is on the plain between the hills and the Pafuri and Limpopo Rivers, and is 3 or 4 metres south of the road from the Transvaal through the post of Pafuri to the district of Lourenço Marques.

Beacon No. XIII, 790.3 metres from No. XII, is on the plain on slightly elevated ground above the flood level of the rivers.

Beacon No. XIV, 1,624.5 metres from No. XIII and 321.1 metres from Confluence, is in rather thick scrub and reeds on sandy ground which is under water when the rivers are in flood. It is approximately 200 metres from the bank of the river.

4. Attached hereto is a plan on which the beacons I to XIV as well as the points Confluence E. 93 and E. 95 are plotted in their true relative positions and their co-ordinates given.

The co-ordinates are derived from a triangulation based on the points E. 93 and E. 95. These points are trigonometrical stations in a survey of a portion of the Transvaal Province and are shown on a map, an extract of which marked "Annexure (B)" is attached hereto.

5. This, both in the English and Portuguese languages, is signed in duplicate by us at Pretoria on this the 18th day of February, 1926.

FILIPPE TRAJANO VIEIRA DA ROCHA,
CAMILLO LAROCHE SEMEDO,
CESAR AUGUSTO D'OL. MOURA BRAZ,
Commissioners for the Portuguese Republic.

W. P. MURRAY,
*Commissioner for the Government of the
Union of South Africa.*

R. E. ANTROBUS,
*Surveyor for the Government of the Union
of South Africa.*

ao sul de um vale profundo no qual se pode encontrar agua durante a maior parte do ano.

Marco numero VII, a 13,004 metros do numero VI, está sobre terreno ligeiramente elevado no meio de mato denso e a cerca de 1 quilometro a oeste de uma pequena lagoa ou "pan" a qual conserva agua durante a maior parte do ano.

Marco numero VIII, a 10,983 metros do numero VII, está no meio de um mato de pequeno porte mas muito fechado conhecido pelo nome indigena de Nhonda. Está situado no meio de uma estrada de uma largura media de 10 metros aberta atravez da mata de Nhonda ao longo da linha de fronteira.

Marco numero IX, a 10,388 metros do numero VIII, está quasi na extremidade S.E. de uma elevação arenosa que é coberta por mato regularmente denso.

Marco numero X, a 6,986.5 metros do numero IX, está no meio de mato denso em terreno elevado ao norte do Vale de Malonga.

Marco numero XI, a 8,164.4 metros do numero X, está sobre um morro despido de arvoredo, na parte mais alta da série de montes que dominam os vales do Limpopo e Pafuri.

Marco numero XII, a 2,374 metros do numero XI, está na planicie entre os montes e os rios Limpopo e Pafuri e a 3 ou 4 metros ao sul da estrada que vem do Transvaal, passa pelo posto do Pafuri e segue para o distrito de Lourenço Marques.

Marco numero XIII, a 790.3 metros do numero XII, está na planicie em terreno ligeiramente elevado acima do nivel das inundações do rio.

Marco numero XIV, a 1,624.5 metros do numero XIII, e 321.1 metros do ponto Confluencia, está no meio de mato de pequeno porte e canico bastante fechado e em terreno arenoso que fica debaixo de agua quando os rios transbordam. Está aproximadamente a 200 metros da margem do rio.

4. E apenso a esta acta um tracado em que os marcos de I a XIV assim como os pontos Confluencia E. 93 e E. 95 estão lançados nas suas exactas posições relativas e dadas as suas coordenadas.

As coordenadas são resultantes de uma triangulação baseada nos pontos E. 93 e E. 95. Estes pontos são estações trigonometricas dum levantamento de uma parte da Provincia do Transvaal e estão indicados num mapa, uma cópia do qual, designada por anexo (B), é apensa a esta acta.

5. Esta acta, redigida nas linguas portuguesa e inglesa, vai assinada em duplicado por nós em Pretoria aos 18 dias do mez de Fevereiro do ano de 1926.

W. P. MURRAY,

Comissario do Governo da União Sul Africana.

R. E. ANTROBUS,

Topog. aj. do Governo da União Sul Africana.

FILIPPE BRAJANO VIEIRA DA ROCHA,

CAMILLO LAROCHE SEMEDO,

CESAR AUGUSTO DE OL. MOURA BRAZ,

Comissarios do Governo da Republica Portuguesa.

BY James E. Trimble DATE 7/21/65

8

Addendum to Report signed on the 18th February, 1926, by us as Commissioners for the Delimitation of the Boundary between the Union of South Africa and the Province of Mozambique.

The Portuguese Commissioners state that, according to their instructions, the demarcation of the boundary referred to in this Report is dependent on ratification by the Portuguese Government.

FILIPPE TRAJANO VIEIRA DA ROCHA,
CAMILLO LAROCHE SEMEDO,
CESAR AUGUSTO D'OL. MOURA BRAZ,
Commissioners for the Portuguese Republic.

W. P. MURRAY,
*Commissioner for the Government of the
Union of South Africa.*

R. E. ANTROBUS,
*Surveyor for the Government of the Union
of South Africa.*

Annexure (A).

29.7.24.

(Present all members of both Missions.)

1. Agreed that main triangulation be laid out and signals erected by Union Mission, starting from points of Espin's survey in vicinity of Pafuri and proceeding to Shingwetsi.

2. On arrival at Shingwetsi Union Mission will commence observing back towards Pafuri until they meet Portuguese Mission.

3. Portuguese Mission will commence observing at Pafuri end of line and proceed until they meet Union Mission.

4. Limits of closure of all main triangles to be not more than 10". Limits of closure of secondary triangles to be not more than 20".

5. No triangle of the main triangulation to have an angle of less than 30°.

6. The terminus of the boundary line at Pafuri to be the junction of the thalweg of the Pafuri and Limpopo Rivers to be mutually agreed upon by the leaders of the two Missions.

7. Portuguese Mission to supply, if possible, 15 bearers to Union Mission—bearers to be paid by Portuguese Mission and charged to Union Mission.

FILIPPE TRAJANO VIEIRA DA ROCHA,
Capt. Frag.

CAMILLO LAROCHE SEMEDO, *Capt.*

CESAR AUGUSTO D'OL. MOURA BRAZ, *Capt.*

W. P. MURRAY, *Surveyor-General.*

RALPH E. ANTROBUS, *Surveyor.*

*Aditamento a Acta assinada em 18 de Fevereiro de 1926 por nos
como Commissarios para a Demarcação da Fronteira entre os Terri-
torios da União Sul Africana e da Provincia de Moçambique.*

Os Commissarios Portugueses declaram que, segundo as suas
instruções, a demarcação da fronteira a que esta acta se refere é
sueita a ratificação do seu Governo.

W. P. MURRAY,
Comissario do Governo da União Sul Africana.

R. E. ANTROBUS,
Topografo do Governo da União Sul Africana.

FILIPPE TRAJANO VIEIRA DA ROCHA,
CAMILLO LAROCHE SEMEDO,
CESAR AUGUSTO DE OL. MOURA BRAZ,
Comissarios do Governo da Republica Portuguesa.

Annexo (A).

29.7.24.

(Presentes todos os membros de ambas as Missões.)

1. Concordeu-se em que triangulação principal fosse feita a medida
que os signaes fossem sendo construidos pela Missão da União
partindo de pontos da triangulação de Espin na vizinhança do Pafuri
e seguindo para o Singuitzi.

2. Ao chegar ao Singuitzi a Missão da União começará a observar
seguindo para o Pafuri até encontrar a Missão Portuguesa.

3. A Missão Portuguesa começará observando no extremo da
fronteira do lado do Pafuri e seguirá até encontrar a Missão da União.

4. Os limites de fecho de todos os triangulos principaes não serão
maiores que 10". Os limites de fecho dos triangulos secundarios não
serão maiores que 20".

5. Nenhum triangulo da triangulação principal terá angulos
menores que 30°.

6. O extremo da linha de fronteira na Pafuri será o ponto de
encontro dos thalwegs do Pafuri e do Limpopo, conforme acordo entre
os dois Chefes das Missões.

7. A Missão Portuguesa fornecerá, se lhe for possivel, 15 carrega-
dores á Missão da União, devendo os carregadores ser pagos pela
Missão Portuguesa e a despesa debitada á Missão da União.

W. P. MURRAY, *Surveyor-General.*

RALPH E. ANTROBUS, *Surveyor.*

FILIPPE TRAJANO VIEIRA DA ROCHA,

Capt. Fragta.

CAMILLO LAROCHE SEMEDO, *Capt. Tente.*

CESAR AUGUSTO D'OL. MOURA BRAZ,

Capt. Tente.

10

No. 2.

Dr. Bettencourt Rodrigues to Mr. Grant Watson.

*Ministério dos Negócios Estrangeiros,
Lisboa, 6 de Outubro de 1927.*

Senhor Encarregado de Negócios,

O GOVERNO da Republica Portuguesa recebeu o texto original, em português e inglês, da acta e respectivos anexo e mapas, que foram assinados em 18 de Fevereiro de 1926 pelos commissarios nomeados para definir por marcos a parte da linha de fronteira entre os territorios da União Sul Africana e os da Provincia de Moçambique compreendida entre um ponto alguns kilometros ao norte do Rio Singuitze e a confluencia dos rios Limpopo e Pafuri.

Tenho a honra de comunicar a vossa Excelência que o Governo da Republica Portuguesa confirma, por sua parte, a referida acta tal como se encontra nas copias impressas e reprodução dos respectivos mapas,* que estão anexas a esta nota e por mim devidamente autenticadas, e estimaria receber igual confirmação por parte do Governo de Sua Majestade Britanica na União da Africa do Sul.

A fim de remediar, pequenas discrepancias na acta assinada em 18 de Fevereiro de 1926, fica entendido que, no paragrafo 2 do texto português da mesma acta, onde se lê "pyramides triangulares truncadas" deverá ler-se "pyramides quadrangulares truncadas"; que no paragrafo 3 dos textos português e inglês da mesma acta deverão suprimir-se as virgulas em todos os numeros que indicam a distancia em metros de marco a marco, por exemplo, no marco numero II, em vez de "10,697.5" deverá ler-se "10697.5," e assim sucessivamente até ao marco numero XIV, inclusive; e que no texto português do paragrafo 4 a palavra "E" deverá ler-se "E" e a palavra "tracado" deverá ler-se "traçado." No texto português do Anexo A, onde se lê no cabeçalho "ambas" deverá ler-se "ambas"; no paragrafo 1, em vez de "que triangulação" deverá ler-se "que a triangulação"; em vez de "feita a medida" deverá ler-se "feita á medida," e em vez de "pela Missão" deverá ler-se "pela Missão." No paragrafo 6, em vez de "na Pafuri" deverá ler-se "no Pafuri."

A presente Nota e a resposta de vossa Excelência em identicos termos validarão e constituirão o acordo entre os dois respectivos Governos sobre o assunto.

Aproveito, &c.

A. M. DE BETTENCOURT RODRIGUES.

(Translation.)

*Ministry for Foreign Affairs, Lisbon,
October 6, 1927.*

M. le Chargé d'Affaires,

THE Government of the Portuguese Republic has received the original text, in Portuguese and English, of the report, with its accompanying annex and maps, which were signed on the 18th February, 1926 by the Commissioners appointed to define by beacons that portion of the boundary line between the territories of the Union

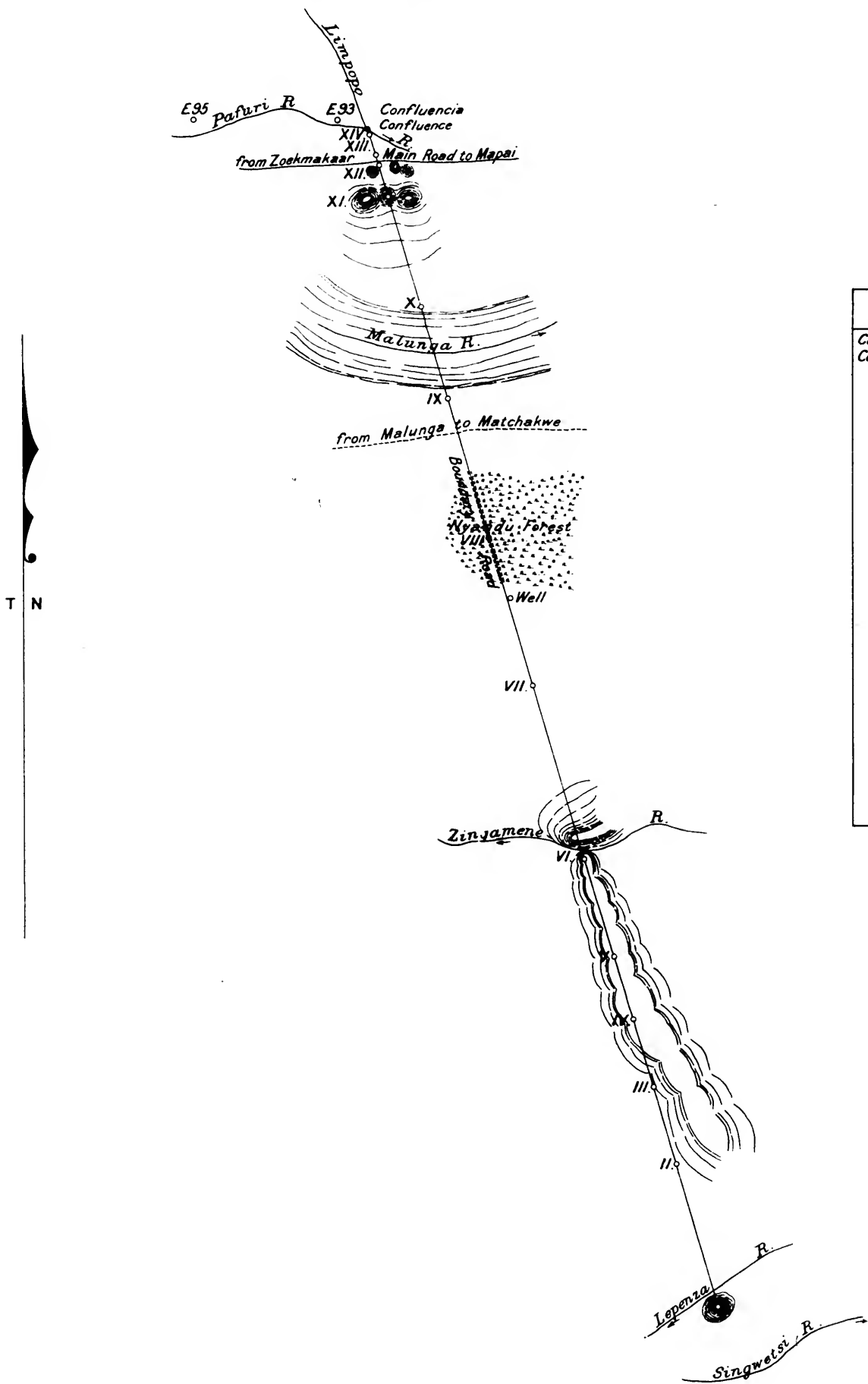
[continued on page 11.]

* As enclosure in No. 1.

Plan referred to in the final report dated the 18th February 1926 of the UNION of SOUTH AFRICA-PORTUGUESE commissioners appointed to demarcate the UNION of SOUTH AFRICA-MOCAMBIQUE boundary line between the beacon north of the Singwetsi River and the confluence of the rivers Pafuri and Limpopo.

TRACADO a que se refere a acta final de 18 de Fevereiro de 1926 dos commissarios nomeados para demarcar a fronteira entre a UNIÃO SUL AFRICANA e a PROVINCIA de MOCAMBIQUE desde o marco ao norte de rio Singwedzi até a confluencia dos rios Limpopo e Pafuri.

Certified a true copy of the original
W. P. Murray
Surveyor General.
Transvaal.



| Coordinates | Metres. |
|-------------|-----------------------|
| Coordenadas | Metros. |
| Confluencia | - 2102.09 + 633.99 |
| Confluencia | - 2194.63 + 941.45 |
| XIV. | - 2662.81 + 2497.04 |
| XIII. | - 2890.58 + 3253.83 |
| XII. | - 3574.75 + 5527.10 |
| XI. | - 5927.68 + 13345.07 |
| X. | - 7941.16 + 20035.19 |
| IX. | - 10934.87 + 29982.44 |
| VIII. | - 14100.07 + 40499.45 |
| VII. | - 17847.74 + 52952.01 |
| VI. | - 19973.07 + 60014.09 |
| V. | - 21352.51 + 64597.70 |
| IV. | - 22802.52 + 69415.92 |
| III. | - 24467.59 + 74948.86 |
| II. | - 27550.34 + 85192.69 |
| E 93 | ± 0.00 ± 0.00 |
| E 95 | + 10259.50 + 57.12 |

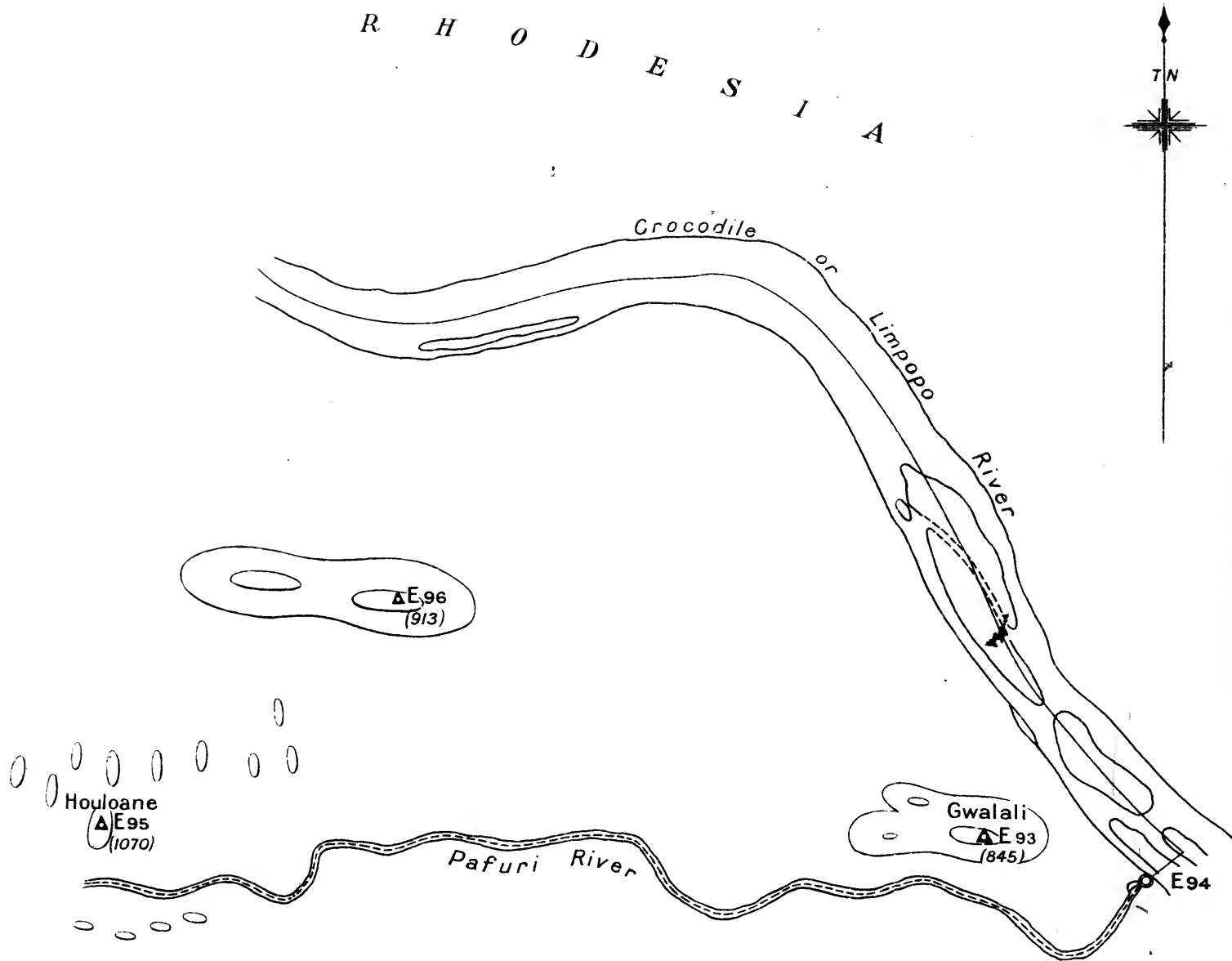
Scale. 1:300,000. Escala.

(Sgd) Filipe Trajano Viera da Rocha.
(Sgd) Camillo Laroche Smedo.
(Sgd) Cezar Augusto d'ol. Moura Braz.
Commissioners for the Portuguese Republic.
Comissarios do Governo da Republica Portuguesa.

(Sgd) W.P. Murray.
Commissioner for the Government of the Union of South Africa.
Comissario por parte do Governo da União Sul Africana.
(Sgd) Ralph E. Antrobus.
Surveyor for the Government of the Union of South Africa.
Topografo por parte of Governo da União Sul Africana.

Este tracado representa a parte da linha de fronteira entre a UNIÃO SUL AFRICANA e a PROVINCIA de MOCAMBIQUE que foi demarcada por meio de marcos construidos nos pontos designados por I. II. III. IV. V. VI. VII. VIII. IX. X. XI. XII. XIII. XIV. As coordenadas dos marcos são as acima mencionadas.

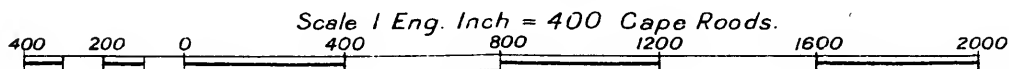
This plan represents that portion of the boundary line between the UNION of SOUTH AFRICA and the PROVINCE of MOCAMBIQUE which has been demarcated by beacons erected at the points marked I. II. III. IV. V. VI. VII. VIII. IX. X. XI. XII. XIII. XIV. The coordinates of the beacons are tabulated above.



True extract from General Plan S.G.Nº A 776/08 signed by W. M. Espin
Land Surveyor in Sept. 1907 and Approved by the Surveyor General
20th May 1908.

W. M. Espin

Surveyor General
Pretoria 25.11.1925



| CO-ORDINATES. | | |
|---------------|-------------|------------|
| (Y) | Cape Roods | (X) |
| E 93 | 3259 · 68 — | 31647 · 09 |
| E 94 | 3395 · 39 — | 32148 · 91 |
| E 95 | 3274 · 80 — | 28931 · 69 |
| E 96 | 2565 · 26 — | 29834 · 85 |

DISTRICT ZOUTPANSBERG.

CLASSIFICATION CANCELED AUTHORITY LETTER
OF 1-8-58 FROM W. H. ANDERSON, STATE DEPT.
BY *Paula E. Smith* DATE 7/2/1955

BY James E. Primmer DATE 7/21/65

11

of South Africa and the Province of Mozambique which lies between a point a few kilometres north of the Singwetsi River and the junction of the Limpopo and Pafuri Rivers.

I have the honour to inform your Excellency that the Government of the Portuguese Republic, on its part, confirms the said report, as set forth in the accompanying printed copies and the reproductions of the respective maps which are annexed to this Note and which have been duly authenticated by me, and would be glad to receive a similar assurance on the part of His Britannic Majesty's Government in the Union of South Africa.

In order to remedy certain minor discrepancies in the report signed on the 18th February, 1926, it is understood that in paragraph 2 of the Portuguese text the words "pyramides triangulares truncadas" shall be read "pyramides quadrangulares truncadas." In paragraph 3 of both the Portuguese and English texts of the same report the commas shall be erased from all the figures indicating the distance in metres from one beacon to another, as, for instance, in the case of Beacon No. II the figure "10,697.5" shall be read as "10697.5," and so on successively up to Beacon No. XIV inclusive. In the Portuguese text of paragraph 4 of the same report the words "E" shall be read as "É" and "tracado" as "traçado" respectively. In the Portuguese text of the heading of Annex A the word "ambas" shall be read as "ambas." In paragraph 1 the words "que triangulação" shall be read "que a triangulação," "feita a medida" shall be read "feita á medida," and "pala Missão" shall be read "pela Missão." In paragraph 6 the words "na Pafuri" shall be read "no Pafuri."

The present Note and your Excellency's reply in identical terms will validate and constitute the agreement between the two respective Governments in the matter.

I avail, &c.

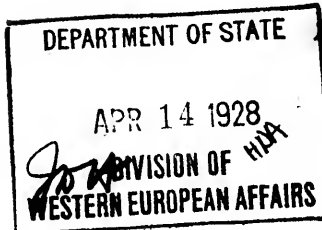
A. M. DE BETTENCOURT RODRIGUES.



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UNITED STATES OF AMERICA

LONDON, April 2, 1928.

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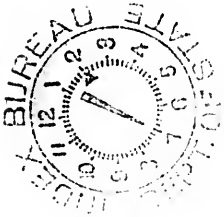
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DEPT. OF STATE

The Honorable

The Secretary of State,

Washington, D.C.

Sir:

I have the honor to transmit herewith, for the information of the Department, copies in quintuplicate of a publication entitled NOTES EXCHANGED BETWEEN HIS MAJESTY'S GOVERNMENT IN GREAT BRITAIN AND THE GOVERNMENT OF PORTUGAL FOR THE SETTLEMENT OF THE BOUNDARY BETWEEN SWAZILAND AND THE PROVINCE OF MOZAMBIQUE, with diagram, issued by the British Government, Treaty Series No. 7 (1928).

I have the honor to be, Sir,

Your obedient servant,

For the Ambassador:

Ray Atherton,
Counselor of Embassy.

✓ Ga 4/14/28
Enclosure: Cmd 3066.

FILED
APR 18 1928

FILED

BY James E. Trimble DATE 7/21/65



Treaty Series No. 7 (1928)

NOTES EXCHANGED BETWEEN
HIS MAJESTY'S GOVERNMENT IN
GREAT BRITAIN AND THE
GOVERNMENT OF PORTUGAL

for the settlement of the

Boundary between Swaziland and
the Province of Mozambique

Lisbon, October 6, 1927

[WITH DIAGRAM]

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

LONDON:

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BY James E. Trimble DATE 7/21/65

**Notes exchanged between His Majesty's Government
in Great Britain and the Government of Portugal for
the Settlement of the Boundary between Swaziland
and the Province of Mozambique.**

Lisbon, October 6, 1927.

No. 1.

Mr. Grant Watson to Dr. Bettencourt Rodrigues.

*His Britannic Majesty's Embassy,
Lisbon, October 6, 1927.*

Your Excellency,

His Britannic Majesty's Government in Great Britain have received the original signed versions in the English and Portuguese texts of the reports, with the accompanying diagram, which were signed between the 15th January and 8th April, 1925, by the Commissioners appointed to demarcate the boundary line between Swaziland and the Province of Mozambique between the beacons Krogh and Mpundweni.

I have the honour to inform your Excellency that I am now authorised to confirm, on behalf of His Britannic Majesty's Government in Great Britain, these reports as set forth in the accompanying printed copies and diagram duly certified by me, and to state that they would be glad to receive a similar assurance on the part of the Portuguese Government.

In order to remedy certain minor discrepancies in the signed report of the 8th April, 1925, it is understood that in paragraph 1 of the Portuguese text the word "linea" shall be read as "linha," and in the same paragraph of both the Portuguese and English texts "D" shall be read as "D'." In paragraph 3 of the same report in the English text "1 metre 20 centimetres" shall be read as "approximately 1 metre 25 centimetres," and in the Portuguese text "1 metro e 25 centimetros" shall be read as "aproximadamente 1 metro e 25 centimetros."

The present note and your Excellency's reply in a similar sense will be regarded as giving validity to, and as placing on record, the understanding between the respective Governments in the matter.

I avail, &c.

H. A. GRANT WATSON.

BY James E. Trimble DATE 7/21/65

Enclosure in No. 1.

(1.)

SWAZILAND-MOÇAMBIQUE BOUNDARY COMMISSION.

*Minutes of First Meeting, Namahacha, Province of Moçambique
January 15, 1925.*

Present:

Commander Filippe Trajano Vieira da Rocha,
Lieut.-Commander Camillo Laroche Semedo,
Lieut.-Commander Cesar Augusto de Oliveira Moura Braz,
Commissioners for the Government of the Portuguese
Republic.

B. Nicholson, C.B.E., D.S.O., M.C.,
Commissioner for His Britannic Majesty's Govern-
ment.

H. K. Matthews, M.C.,
Surveyor for the Swaziland Government.

AFTER a preliminary discussion of the procedure to be followed in the demarcation of the boundary line between Swaziland and the Province of Moçambique, between the beacons Krogh and Mpundweni, in accordance with the agreement between the Governments of Great Britain and Portugal, we agreed:—

1. That the base of the survey should be either the Portuguese beacons Mpundweni geodetic and Muguene geodetic, or Mpundweni geodetic and Pequenos Limbombos, with Mpundweni as origin in either case.
2. That the members entrusted with the survey on either side should work independently.
3. That the cost of material and erection of the boundary beacons should be shared equally by the Swaziland and the Portuguese Governments.
4. That it being the intention of our respective Governments that the point of the boundary, indicated by the letter D, should be at the intersection of the lines Krogh-Mpundweni and C-D, a boundary beacon, to be indicated as D¹, should be erected at the intersection of the said lines and not at the before-named point D, which is a few metres east of the point of intersection.
5. To erect a beacon on the boundary line between Krogh and Oribi.

(1.)

COMISSÃO DA FRONTEIRA SUAZILANDIA-MOÇAMBIQUE.

*Acta da primeira Reunião, Namahacha, Provincia de Moçambique,
15 de Janeiro de 1925.*

Presentes:

Capitão de fragata Filippe Trajano Vieira da Rocha,
Capitão-tenente Camillo Laroche Semedo,
Capitão-tenente Cesar Augusto de Oliveira Moura Braz,
Comissarios do Governo da Republica Portuguesa.

B. Nicholson, C.B.E., D.S.O., M.C.,
Comissario do Governo de Sua Magestade Britanica.

H. K. Matthews, M.C.,
Topografo por parte do Governo da Suazilandia.

DEPOIS de uma discussão preliminar do processo a seguir na demarcação da linha da fronteira entre a Suazilandia e a Provincia de Moçambique, desde o marco Krogh ao marco M'Ponduine, em harmonia com o acôrdo feito entre os Governos da Grã-Bretanha e Portugal, concordámos em:

1. Que a base do levantamento fossem os marcos geodesicos portugueses M'Ponduine-Muguene ou M'Ponduine-Pequenos Limbombos, sendo M'Ponduine a origem em qualquer dos casos.
2. Que os membros de uma e outra missão encarregados do levantamento trabalhassem independentemente.
3. Que as despesas com o material e construção dos marcos da fronteira fossem divididas igualmente entre os Governos da Suazilandia e Portugal.
4. Que, sendo intenção dos nossos respectivos Governos que o ponto da fronteira designado pela letra D estivesse na intersecção das linhas Krogh-M'Ponduine e C-D, se construísse um marco de fronteira designado por D¹ na intersecção das referidas linhas, e nao no ponto ate agora chamado D, o qual está alguns metros a leste daquela intersecção.
5. Que fosse construido um marco na linha de fronteira entre Krogh e Oribi.

6

6. That a diagram be framed, in duplicate original, and that the verbal description thereon should be in English and Portuguese.
7. That a joint report, in English and Portuguese, be drawn up and signed by us.
8. To meet, after the survey had been completed, at a place and date to be fixed, to frame a diagram of the boundary and a final report.

(Signed) FILIPPE TRAJANO VIEIRA DA ROCHA,
CAMILLO LAROCHE SEMEDO,
CESAR AUGUSTO DE O. MOURA BRAZ,
Portuguese Commissioners.

B. NICHOLSON,
British Commissioner.

H. K. MATTHEWS,
Surveyor for the Swaziland Government.

(2.)

SWAZILAND-MOÇAMBIQUE BOUNDARY COMMISSION.

Minutes of Second Meeting, Johannesburg, Transvaal, April 8, 1925.

(All the Commissioners present as before.)

We examined and signed the diagrams in duplicate.

The Portuguese Commissioners report that the area comprised within the lines Sikayana, Sunday, Mpundweni and Sikayana, Xilungo, C, D, Mpundweni as surveyed by them is 2487.99 hectares, and the British Commissioner and Surveyor accept this area as correct.

We signed our final report, which is annexed hereto.

(Signed) FILIPPE TRAJANO VIEIRA DA ROCHA,
CAMILLO LAROCHE SEMEDO,
CESAR AUGUSTO DE O. MOURA BRAZ,
Portuguese Commissioners.

B. NICHOLSON,
British Commissioner.

H. K. MATTHEWS,
Surveyor for the Swaziland Government.

BY James E. Trimble DATE 7/21/65

7

6. Que fosse feito um traçado em dois originaes e que a descripção que lhe diz respeito fosse eserita em inglês e português.
7. Que uma acta final, em inglês e português, fosse feita e assinada por nós.
8. Que nos reunissemos despois de findo o levantamento, em lugar e data a fixar, para fazer o traçado da fronteira e a acta final.

(Assinado) FILIPPE TRAJANO VIEIRA DA ROCHA,
CAMILLO LAROCHE SEMEDO,
CESAR AUGUSTO DE O. MOURA BRAZ,
*Comissarios do Governo da Republica
Portuguesa.*

B. NICHOLSON,
*Comissario do Governo de Sua Magestade
Britanica.*

H. K. MATTHEWS,
*Topografo por parte do Governo da
Suazilandia.*

(2.)

COMISSÃO DA FRONTEIRA SUAZILANDIA-MOÇAMBIQUE.

Acta da segunda Reunião, Johannesburg, Transvaal, 8 de abril de 1925.

(Presentes todos os membros, como na primeira reunião.)

EXAMINAMOS e assinamos os traçados em duplicado.

Os Comissarios portugueses comunicaram que a área limitada pelas linhas Sikayana-Sunday-M'Pondwine e Sikayana-Xilungo-C-D-M'Pondwine conforme o levantamento por eles feito é de 2487.99 hectares (dois mil quatrocentos e oitenta e sete hectares, noventa e nove centesimos de hectare) e o Comissario britanico e o topografo aceitaram esta área como correcta.

Assinamos a acta final que vae anexa a esta.

(Assinado) FILIPPE TRAJANO VIEIRA DA ROCHA,
CAMILLO LAROCHE SEMEDO,
CESAR AUGUSTO DE O. MOURA BRAZ,
*Comissarios do Governo da Republica
Portuguesa.*

B. NICHOLSON,
*Comissario do Governo de Sua Magestade
Britanica.*

H. K. MATTHEWS,
*Topografo por parte do Governo da
Suazilandia.*

(3.)

SWAZILAND-MOÇAMBIQUE BOUNDARY COMMISSION.

On this the eighth day of April, one thousand nine hundred and twenty-five, we, the undersigned :

Commander Filippe Trajano Vieira da Rocha,
Lieut.-Commander Camillo Laroche Semedo, and
Lieut.-Commander Cesar Augusto de Oliveira Moura Braz,
as Commissioners for the Government of the Portuguese
Republic;

Bertram Nicholson, as Commissioner for His Britannic
Majesty's Government; and

Harold Killigrew Matthews, Surveyor for the Swaziland
Government,

appointed by our respective Governments to beacon the Swaziland-
Portuguese boundary line, between the beacons Krogh and Mpundweni,
do hereby certify that :

1. We beacons the boundary line following the line Krogh-
Oribi-Sikayana-Xilungo-C-D-Mpundweni, in accordance
with the agreement between our respective Governments.
2. We erected masonry beacons on the existing stone beacons
Krogh and Mpundweni and on the points known as Oribi,
Sikayana, Xilungo, C and D, which is the intersection
of the lines Krogh-Mpundweni and C-D, and on a point
known as "Line," between Krogh and Oribi.
3. The beacons are all quadrangular, truncated pyramids, each
being 60 centimetres wide at the base, 25 centimetres wide
at top and 1 metre 20 centimetres in height.
4. It is agreed that whatever change the names of the aforesaid
points may undergo, the Swaziland-Portuguese boundary
line between the beacons Krogh and Mpundweni is that
shown on the attached diagram signed by us, on which the
co-ordinates of the beacons are shown.

Signed at Johannesburg, Transvaal, on the date, month and year
aforesaid.

(Signed) FILIPPE TRAJANO VIEIRA DA ROCHA,
CAMILLO LAROCHE SEMEDO,
CESAR AUGUSTO DE O MOURA BRAZ,
Portuguese Commissioners.

B. NICHOLSON,
British Commissioner.

H. K. MATTHEWS,
Surveyor for the Swaziland Government.

(3.)

COMISSÃO DA FRONTEIRA SUAZILANDIA-MOÇAMBIQUE.

No dia oito de abril de mil novecentos e vinte e cinco, nós, abaixo assinados:

Capitão de fragata Filippe Trajano Vieira da Rocha,
Capitão-tenente Camillo Laroche Semedo, e
Capitão-tenente Cesar Augusto de Oliveira Moura Braz,
como Commissarios do Governo da Republica Portuguesa;

Bertram Nicholson, como Commissario do Governo de Sua
Majestade Britanica, e
Harold Killigrew Matthews, topografo por parte do Governo da
Suazilandia,

nomeados pelos nossos respetivos Governos para demarcar a fronteira da Suazilandia-Moçambique, entre os marcos Krogh e M'Ponduine, certificamos que:

1. Foi assinalada com marcos a linha de fronteira seguindo a linha Krogh-Oribi-Sikayana-Xilungo-C-D-M'Ponduine, de harmonia com o acordo feito entre os nossos respetivos Governos.
2. Foram construidos marcos sobre os já existentes marcos Krogh e M'Ponduine, e nos pontos conhecidos por Oribi, Sikayana, Xilungo, C e D¹, sendo este ultimo ponto a intersecção das linhas Krogh-M'Ponduine e C-D, e num ponto designado por "Line" entre Krogh e Oribi.
3. Os marcos são todos piramides quadrangulares truncadas, de 60 centimetros de lado na base, 25 centimetros de lado no topo, e 1 metro e 25 centimetros de altura.
4. Fica assente que qualquer que venha a ser a mudança de nomes dos pontos mencionados, a linha entre os marcos Krogh e M'Ponduine é a indicada no traçado junto, por nós assinado, e no qual estão mencionadas as coordenadas dos marcos.

Assinado em Johannesburg, Transvaal, no dia, mes e ano acima mencionados.

(Assinado) FILIPPE TRAJANO VIEIRA DA ROCHA,
CAMILLO LAROCHE SEMEDO,
CESAR AUGUSTO DE O. MOURA BRAZ,
*Comissarios do Governo da Republica
Portuguesa.*

B. NICHOLSON,
*Comissario do Governo de Sua Magestade
Britanica.*

H. K. MATTHEWS,
*Topografo por parte do Governo da
Suazilandia.*

BY James E. Venable DATE 7/21/65

10

No. 2.

Dr. Bettencourt Rodrigues to Mr. Grant Watson.

*Ministério dos Negócios Estrangeiros,
Lisboa, 6 de Outubro de 1927.*

Senhor Encarregado de Negócios,

O GOVERNO da Republica Portuguesa recebeu o texto original, em português e inglês, das actas e respectivo traçado que foram assinados de 15 de Janeiro a 8 de Abril de 1925 pelos Commissarios nomeados para demarcar a linha de fronteira entre a Provincia de Moçambique e a Swazilandia, entre os marcos Krogh e M'Pondwine.

Tenho a honra de comunicar a vossa Senhoria que o Governo da Republica Portuguesa confirma, por sua parte, as referidas actas, taes como se encontram nas copias e traçado impressos,* por mim devidamente autenticados, e estimaria receber igual confirmação por parte do Governo de Sua Majestade Britanica na Gran-Bretanha.

Afim de remediar pequenas discrepancias na Acta assinada em 8 de Abril de 1925 fica entendido que no paragrafo 1 do texto português onde se lê "linea" deverá ler-se "linha" e no mesmo paragrafo dos textos português e inglês deverá ler-se em vez de "D," "D'." No paragrafo 3 da mesma acta, no texto inglês, deverá ler-se, em vez de "1 metre 20 centimetres," "approximately 1 metre 25 centimetres," e no texto português, deverá ler-se, em vez de "1 metro e 25 centimetros," "aproximadamente 1 metro e 25 centimetros."

A presente nota e a resposta de vossa Exceclência em identicos termos validarão e constituirão o acordo entre os dois respectivos Governos sobre o assunto.

Aproveito, &c.

A. M. DE BETTENCOURT RODRIGUES

(Translation.)

Ministry for Foreign Affairs,

Lisbon, October 6, 1927.

M. le Chargé d'Affaires.

THE Government of the Portuguese Republic has received the original text, in Portuguese and English, of the reports, with the accompanying diagram, which were signed between the 15th January and 8th April, 1925, by the Commissioners appointed to demarcate the boundary line between the Province of Mozambique and Swaziland, between the beacons Krogh and Mpundweni.

I have the honour to inform your Excellency that the Government of the Portuguese Republic, on its part, confirms the said reports, as set forth in the accompanying printed copies and diagram, duly authenticated by me, and would be glad to receive a similar assurance on the part of His Britannic Majesty's Government.

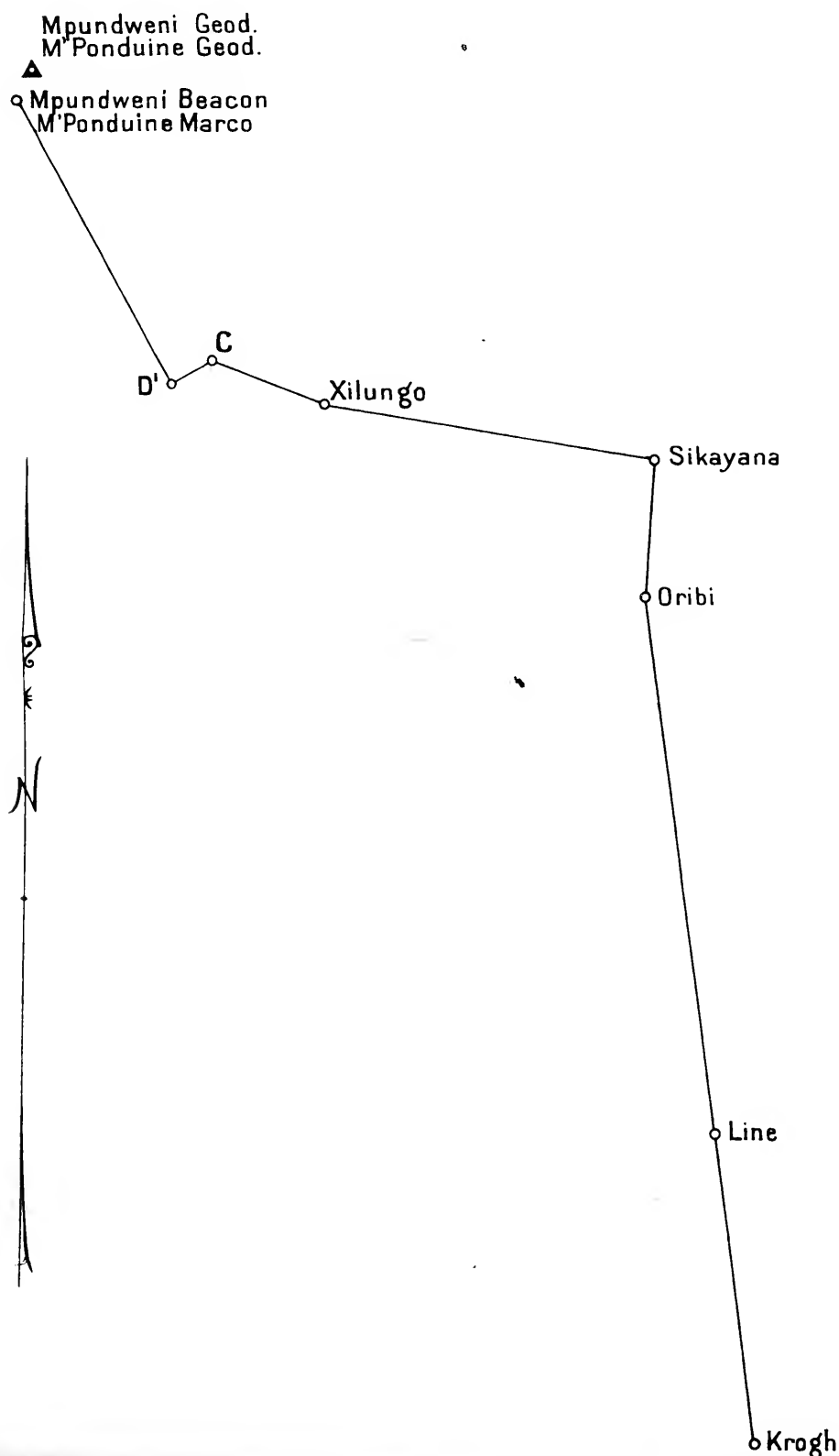
In order to remedy certain minor discrepancies in the report signed on the 8th April, 1925, it is understood that in paragraph 1 of the Portuguese text the word "linea" shall be read as "linha."

[continued on p. 11.]

* As Enclosure in No. 1.

PLAN referred to in the final report, dated
8th April 1925, of the Anglo-Portuguese Commission
for the demarcation of the **SWAZILAND-MOÇAMBIQUE**
boundary line between the Beacons Krogh and Mpundweni,
surveyed by us in January 1925.

TRAÇADO a que faz referencia a acta final,
de 8 de abril de 1925, da Comissão Anglo-Portuguesa
para a delimitação da fronteira **SUAZILANDIA-MOÇAMBIQUE**
entre os marcos Krogh e M'Pondwine, levantada por nós
em janeiro de 1925.



| Coordinates . Metres
Coordenadas-Metros | | |
|--|------------|------------|
| | x | y |
| Mpundweni (M'Pondwine) Geod | ± 0.00 | ± 0.00 |
| Muguene Geod..... | - 29757.40 | + 19691.48 |
| Krogh..... | - 12756.06 | + 23576.54 |
| Line..... | - 12048.39 | + 18300.49 |
| Oribi..... | - 10809.60 | + 9064.82 |
| Sikayana..... | - 10976.64 | + 6718.89 |
| Xilungo..... | - 5236.90 | + 5786.62 |
| C..... | - 3268.72 | + 5038.19 |
| D'..... | - 2539.52 | + 5430.60 |
| Mpundweni Beacon (M'Pondwine Marco)..... | + 229.38 | + 512.66 |

Muguene Geod.
▲

o Krogh

Scale 1:100000 Escala

The above diagram represents that portion of the boundary line between **SWAZILAND** and the Province of **MOÇAMBIQUE**, between the Beacons Krogh and Mpundweni, which has been demarcated in accordance with the agreement between the British and Portuguese Governments, by Beacons erected at Krogh, Line, Oribi, Sikayana, Xilungo, C, D', and Mpundweni.

The co-ordinates of the Beacons are tabulated above.

The Geographical Co-ordinates of
Mpundweni Geodetic are, Latitude S. 25° 56' 47". 19
Longitude E. Gr. 31° 58' 40". 46

and of
Muguene Geodetic are,

Latitude S. 26° 07' 25". 98
Longitude E. Gr. 32° 16' 31". 58

O traçado acima representa a parte da linha da fronteira entre a **SUAZILANDIA** e a Província de **MOÇAMBIQUE**, desde o marco Krogh ao marco M'Ponduíne, a qual foi demarcada, em harmonia com o acôrdo feito entre os Governos britânico e português, por marcos contruidos em Krogh, Line, Oribi, Sikayana, Xilungo, C, D', e M'Ponduíne.

As coordenadas dos marcos são as acima mencionadas.

As coordenadas geograficas de
M'Ponduíne geodesico são Latitude S. 25 56' 47, 19
Longitude E.Gr 31 58' 40, 46

e de
Muguene geodesico são Latitude S. 26 7' 25 98
Longitude E.Gr. 32 16' 31 58

Filipe Ingaúalima de Rocha
Amílcar José de Almeida
Campano d'Al. Afonso

Portuguese Commissioners
Comissarios do Governo da Republica Portuguesa

Blanchard
British Commissioner.
Comissario do Governo de S. M. Britanica.

Seal.

H. K. Matthews
Surveyor for the Swaziland Government.
Topografo por parte do Governo da Suazilandia.

BY James E. Primm DATE 7/21/65

11

and in the same paragraph of both the Portuguese and English texts "D" shall be read as "D'." In paragraph 3 of the same report in the English text "1 metre 20 centimetres" shall be read as "approximately 1 metre 25 centimetres," and in the Portuguese text "1 metro e 25 centimetros" shall be read as "aproximadamente 1 metro e 25 centimetros."

The present note and your Excellency's reply in identical terms will validate and constitute the agreement between the two respective Governments in the matter.

I avail, &c.

A. M. DE BETTENCOURT RODRIGUES.

BY James E. Pringle DATE 7/21/65

New

DOCUMENT FILE

NOTE

SUB 748a.53a/38 **FOR** Despatch #394

FROM Cape Town (Pisar) **DATED** Dec. 8, 1922
TO Name

REGARDING:

Relations between Belgian Congo
and Union of South Africa. Report
in re to and quotations of articles
in press re-.

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In Triplicate.

No. 395.

AMERICAN CONSULATE GENERAL.

Cape Town, South Africa, December 12, 1922.

SUBJECT: Relations between South Africa and
Belgium.

THE HONORABLE

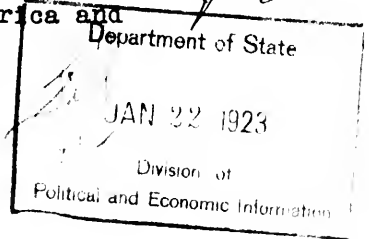
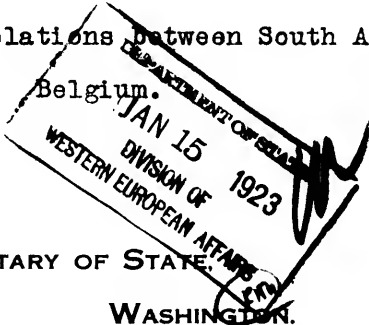
THE SECRETARY OF STATE
WASHINGTON.

SIR:

Supplementing my Despatch No. 394 of December 8, 1922, on the subject of the relations between the Union of South Africa and Belgian Congo, I now have the honor to quote below an article which appeared in the CAPE TIMES, Cape Town, of December 11, 1922, and which was telegraphed from London by Reuters South African Press Agency, indicating that General Smuts' explanation of his remarks concerning the South African Government's attitude toward the Congo. (See page 3 of the despatch mentioned above) is considered satisfactory. The article in question is as follows:

"General Smuts' denial of designs on Belgian territory is apparently regarded by the Belgian Press as closing the incident. The 'Echo de la Bourse' (Brussels) says the declaration will help not a little to improve Belgian relations with the Union, as the 'Echo' would never doubt General Smuts' sincerity. The paper frankly acknowledges the friendly attitude of the Rhodesian Administration, with which, it says, the Belgian authorities have always maintained the best personal relations, but points out that one of the reasons for the proposed construction of a railway from the Lower Congo to Katanga is the fact that the British could, by means of adjusting the freights of Rhodesian railways,

strangle



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BY James E. Thomas DATE 7/21/65

-2-

strangle Katanga's economic life."

I have the honor to be, Sir,

Your obedient servant,


Charles J. Pisar.
Consul in Charge.

800.

Y

P/B.

In Quintuplicate.

No. 252.

AMERICAN CONSULATE GENERAL,

Cape Town, South Africa, June 7,

61624
JUL 6 1922
DIVISION OF
WESTERN AFRICA
SOLICITOR'S OFFICE
JUL 31 1922
DEPARTMENT OF STATE
61624

SUBJECT: Additional Legislation Governing Relations
between the Union of South Africa and the
Mandate territory of South West Africa.

THE HONORABLE

THE SECRETARY OF STATE
Department of State,
WASHINGTON.

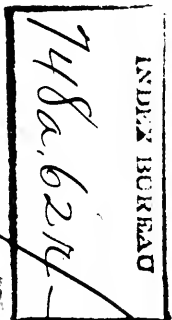
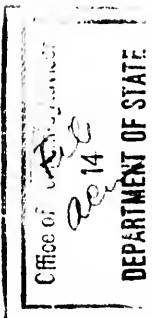
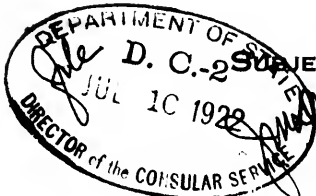
SIR:

I have the honor to report to the Department that new legislation has been introduced in the South African Parliament under the title of the "South West African Affairs Bill", making provision for the regulation of certain relations between the Union of South Africa and the Mandate Territory of South West Africa.

The bill provides that the port and settlement of Walvis Bay which forms part of the Province of the Cape of Good Hope shall be administered as if it were a part of the mandated territory, and as if the inhabitants thereof were inhabitants of the mandated territory.

The bill also provides for the return of fugitive offenders to South West Africa, and in this respect the mandated territory is to be treated as a British possession within the meaning of Part 2 of the Fugitive Offenders Act, 1881, of the United Kingdom. Whenever a warrant has been issued in the mandated territory for the apprehension of a person accused of an offence punishable by the courts in that territory and such person is or is suspected of

being



Filed:
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-2-

being in the Union, any magistrate in the Union may endorse such a warrant and it becomes operative in the Union. Provision is also made for the subpoena of witnesses in the Union for the purpose of appearing in the mandated territory, and for commissions to be issued to magistrates in the Union to take evidence in connection with civil suits in South West Africa.

[As soon as this law receives the necessary legislative sanction copies thereof will be transmitted to the Department.]

I have the honor to be, Sir,

Your obedient servant,



Vice Consul in Charge.

C 801.4

P/B.



In Triplicate.

348.

AMERICAN CONSULATE GENERAL 1922

Cape Town, South Africa, September 28, 1922.

SUBJECT: Agitation in South West Africa in favor
of Union with South Africa.

THE HONORABLE

THE SECRETARY OF STATE,

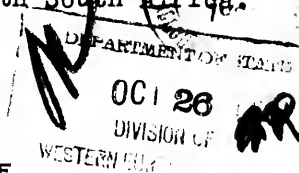
WASHINGTON.

SIR:

I have the honor to transmit, herewith, a clipping containing a special article contributed to the CAPE ARGUS, Cape Town, of September 26, 1922, which indicates that there is a certain agitation taking place among the inhabitants of the Mandate Territory of South West Africa in favor of a union with the Union of South Africa. These people consider a government subject to the approval of the League of Nations to be insecure, and that by annexation the present German inhabitants would acquire some form of citizenship which would place them on an equal footing with the Dutch and English who are British subjects of the Union of South Africa.

There is also enclosed another clipping from the CAPE TIMES, Cape Town, of September 27, 1922, from which it appears that the Indian Political Association of Kimberley telegraphed Sir Sivaswami Aiyer, the Indian representative to the League of Nations Assembly at Geneva, that the South West African Mandate expressly

resists



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BY James E. Trimble DATE 7/21/65

-2-

resists the entry of Indians to that territory.

I have the honor to be, Sir,

Your obedient servant,


Consul in Charge.

801.4

Enclosures:

- 1.- From "Cape Argus", September 26, 1922.
- 2.- From "Cape Times", September 27, 1922.

P/B.

(Enclosure No. 1 in Despatch, No. 348, dated at Cape Town,
South Africa, September 28, 1922. File No. 801.4).

From "Cape Argus", September 26, 1922.

SOUTH-WEST'S FUTURE.

"TIRED OF MANDATE RULE."

WANT TO JOIN UNION.

PROSPECTIVE DEPUTATION TO GEN. SMUTS.

(Special to The Argus.)

The Argus learned to-day that a deputation of English, Dutch and German settlers from all parts of South-West Africa will endeavour to wait on General Smuts next month for the purpose of impressing on him the desirability of South-West Africa becoming part of the Union of South Africa.

The information came from Mr. C. Weidner, a farmer, of German descent, born in Antwerp, but with nearly 30 years' residence in South Africa to his credit. For the last twelve years Mr. Weidner has been farming at Goodhouse, on land lying on both sides of the Orange River; and his remarkable achievement in turning what was practically a desert into a smiling fruit farm, was the subject of a recent illuminating article in these columns.

Quite apart from his practical achievement as a farmer, however, Mr. Weidner has kept in close touch with all sections of the community—English, Dutch and German—during his stay at Goodhouse.

"And I have not the slightest doubt," he told a representative of The Argus to-day, "but that this deputation which is expected to wait on General Smuts next month, represents practically the unanimous opinion of South-West Africa. South-West Africa is tired of the present system of being ruled by a mandatory Power.

"No Sense of Security."

"All sections of the community object to the mandate because:

"(1) They feel that there is no sense of security about being ruled by mandate. There always seems to be the possibility of something happening—and they want to make the position known to know exactly where they are.

"(2) They contend that the present system of administration is not a proper one—for the simple reason that the inhabitants have nothing to say in it. Some people who come here from Germany become dis-

"(3) They all know, at the bottom of them—and recent events have made this realisation all the clearer—that the whole future of South-West Africa is wrapped up in, and depends entirely on, their uniting with the Union."

The German Point of View.

What had really brought matters to a head, declared Mr. Weidner, was the recent discussion of the League of Nations in regard to the Bondelswart trouble. "Among all sections of the community," he added, "there has been the greatest indignation expressed that the League should start to talk about this matter before the decision of the competent Commission which has been appointed to make full inquiry. People are asking themselves, 'What do the Chilians, Indians and people like that, know about our native problems in South-West Africa?' Why can't we manage these things ourselves?"

The Argus representative referred to the not unlikely reluctance of the German section of the community to become British subjects.

"If there is annexation to the Union," replied Mr. Weidner, "I think I can confidently assert that the Germans are quite prepared to become naturalised citizens of the Union. A lot has happened since this matter was last inquired into. There have been very hard times in the South West since then; and those hard times have done a lot to bind the three white races together. Above all things, the German is a practical man—he cares little for politics—and he sees now that a common unity, and a common unifying with the Union, is going to carry the country to its full and proper destiny.

Possibilities of Oil.

"Those Germans who remain in South West Africa to-day are the very best of Germans—people who believe, as I believe, that the country has a great future before it. Not only is it a great cattle country, a country of great reputed mineral wealth, but there is talk now of its great possibilities in the way of oil. But all these things require capital, of course; and there can be no doubt about it that the present uncertain existence of the country, under a mandatory power, is keeping capital back. I can tell you that from my own experience. During recent transactions which I undertook for certain financiers, I had strict instructions to keep to land 'on the Union side of the Orange River.'

"So that not only politically, but financially, you see, we seem to be at a standstill—and that is why everybody is so anxious to see the country's future definitely decided. And one thing I can certainly assure you: If South West Africa does come into the Union, every effort will be made to keep our members as purely South West African members, united into one solid little band for the development of South West Africa. They will be neither 'Baps,' nor 'Nats,' if I can help it."

DATE TIME FROM TO DAY MONTH YEAR

In Triplicate.

No. 351.

AMERICAN CONSULATE GENERAL

Cape Town, South Africa, October 2, 1922.

SUBJECT: Agitation in South West Africa in favor
of Union with South Africa.

THE HONORABLE

THE SECRETARY OF STATE.

WASHINGTON.

SIR:

Referring to my Despatch No. 348 of September 28, 1922, wherein I transmitted a newspaper clipping containing a special article contributed to the CAPE ARGUS, Cape Town, on the above subject, I now have the honor to quote below an article which appeared in the CAPE ARGUS of September 29, 1922, under the authorship of its own correspondent at Windhoek, South West Africa, which contains local newspaper comment regarding the present agitation in South West Africa in favor of its annexation by the Union of South Africa.

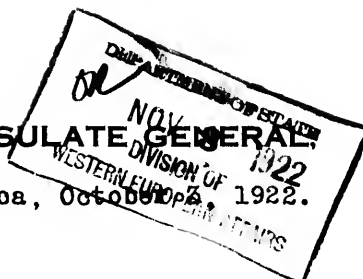
The article is as follows:

"The question of the absolute annexation of this country by the Union, with the consent of the League of Nations, is a subject of much comment.

The WINDHOEK ADVERTISER has for a considerable time maintained that the mandate system is a hollow farce, and that it is time that the statesmen of the world made a frank admission to that effect and recognised, in fact, what has already been admitted in theory, namely, that the granting of the mandate to the Union practically amounted to annexation.

It is felt that when Germany was deprived of her colonies, annexation by the Allies as a whole took place, and the mandate system was merely an expedient which was adopted to prevent any quarrel arising over the division of the spoils.

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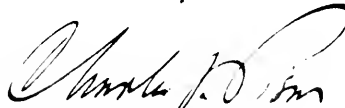
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-2-

The present uncertainty regarding status and the form of administration that has been established have unquestionably much to do with the lack of courage with which the population as a whole views the future. Naturally, the local German population will not entertain the idea of annexation as a step that they can support, but there is reason to believe that if the League were to make a definite offer to the Union that the country should be annexed, the news would be received with relief".

I have the honor to be, Sir,

Your obedient servant,



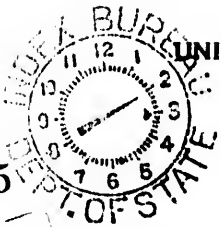
Charles G. Pisar.
Consul in Charge.

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EMBASSY OF THE
UNITED STATES OF AMERICA

Berlin, September 5, 1928.

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TRENTY DIVISION
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W. H. Anderson
DEPARTMENT OF STATE

SEP 15 28

DEPARTMENT OF STATE
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SEP 17 1928
DIVISION OF
WESTERN EUROPEAN AFFAIRS

Office of Economic Affairs
SEP 25 1928
DEPARTMENT OF STATE

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To the Field ☒ Yes ☐ No
In U. S. A. ☒ Yes ☐ No
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INDEX BUREAU
748A.622

The Honorable

The Secretary of State
Washington.

DEPARTMENT OF STATE
A-C/O
SEP 20 1928
ASSISTANT SECRETARY OF STATE

Sir:

Supplementing the Embassy's despatch No. 3796 of August 7, 1928, I have the honor to report that, notwithstanding last minute difficulties, a treaty of commerce and navigation between Germany and the South African Union was signed in Pretoria on September 1, 1928.

The treaty, which in the main closely resembles the Anglo-German commercial treaty of 1924, is based on the most-favored-nation principle. The special preferential tariff obtaining between the South African government and England and the Dominions remains in force. The treaty also regulates immigration and emigration as well as the legal status of the nationals of both parties. An agreement in respect of mutual special preferential tariff

rates

SEP 20 1928


SEP 26 1928

- 2 -

rates was reserved for future negotiations.

I have the honor to be, Sir,

Your obedient servant,



D. C. Poole,
Chargé d'Affaires a.i.

Copy to EIC, Paris.

748a-622
NO. 313.

DEPARTMENT OF STATE

MAR 11 1930

WE

AMERICAN CONSULATE GENERAL

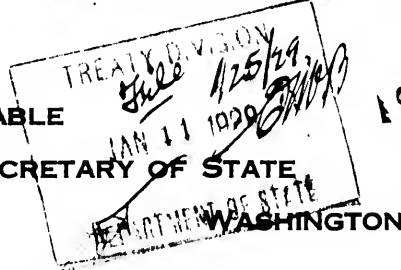
Cape Town, South Africa, December 13, 1928.

SUBJECT: TREATY OF COMMERCE AND NAVIGATION BETWEEN
THE UNION OF SOUTH AFRICA AND THE GERMAN REICH.

THE HONORABLE

THE SECRETARY OF STATE

SIR:



RECEIVED
JAN 10 1929
INDEX BUREAU

748a-622
JAN 25 1930

I have the honor to report that the full text of the Treaty of Commerce and Navigation between Germany and the Union of South Africa was published in a supplement of the Government Gazette, issued November 16, 1928.

The regular issues of this number of the Gazette were exhausted almost immediately, and it is, therefore, impossible to secure additional copies. Two copies only are being forwarded as enclosures with this report.

THE TREATY.

The Treaty consists of twenty-six Articles and a Protocol of nine Paragraphs.

Articles 1 and 2 provide for the usual reciprocal freedom of commerce and navigation as applying to the subjects or citizens of the two countries.

In Article 3 it provides that all privileges actually granted, or to be granted in the future to other countries, shall apply to the ships and subjects of the

two

- 2 -

two countries.

Article 4 lists certain exceptions as follows:

The provisions of the present treaty with regard to the grant of the treatment of the most favored nation do not extend to:

- (1) favors actually granted or which may hereafter be granted by either of the contracting parties to an adjoining state or territory to facilitate traffic for certain frontier districts, as a rule not extending beyond 15 kilometres on each side of the frontier, and for residents in such districts;
- (2) favors actually granted or which may hereafter be granted by the Union of South Africa to Portuguese East Africa;
- (3) favors actually granted or which may hereafter be granted by either of the contracting parties to a third state or territory in virtue of a customs union which has already been or may be hereafter concluded;
- (4) favors which either of the contracting parties has granted or may hereafter grant to a third state in agreements for the avoidance of double taxation, and the mutual protection of the revenue;
- (5) privileges and facilities actually extended or which may hereafter be extended to vessels carrying mails under contract.

Article 5 provides for the right to acquire and possess property, and to export products or proceeds derived from such property.

Article 6 provides for freedom of travel.

Article 7 prohibits compulsory military service for the nationals of either country when residing in the other, and forbids the application of forced loans to them in time of war.

This

- 3 -

This Article also provides for naturalization.

Article 8 gives most favored nation treatment in the matter of customs duties on imports of the products of either country, but excepting the goods now specifically enumerated, produced or manufactured within Great Britain and the British Dominions, Colonies and so forth, which have been accorded preferential rates. It also excepts certain articles produced in Canada and New Zealand, which receive preferential treatment. JDH

Article 9 accords most favored nation treatment in the application of export taxes.

Article 10 gives the following exceptions in the application of the most favored nation treatment in connection with imports or exports:

- (1) in consideration of the public safety;
- (2) in consideration of the public health or for protection of animals or useful plants against diseases, insects, and harmful parasites;
- (3) in respect of weapons, ammunition, and war material, and, under exceptional circumstances, also in respect of other materials needed in war;
- (4) in respect of goods which are or may be objects of a state monopoly in the territory of either of the contracting parties, and in respect of the extension to goods from any country whatsoever of all other prohibitions or restrictions which are or may be imposed by the internal legislation of either party upon the production, sale, forwarding or consumption of goods of the same kind produced within its own territories; and

(5)

- 4 -

(5) in respect of the export of national treasures of artistic, historic, or archaeological value.

Articles 11-14 apply the most favored nation treatment to transit of persons and merchandise, to internal duties, taxes and so forth, and to the treatment of commercial travellers and their samples.

Article 15 accords the most favored nation treatment to limited liability and other companies of the one country in the other, and makes this retro-active.

Article 16 provides that any special regulations of the League of Nations in regard to the import of narcotics shall not be interfered with. This Article also excepts the application of the provisions of the treaty to fish and fishing vessels.

Article 18 accords most favorable nation treatment in the application of harbor duties and charges.

Article 19 excepts the coasting trade from the application of the treaty.

Article 20 accords most favored nation treatment for the patents, trademarks, etc. of each country in the other.

Article 21 provides for the reception of consular officers and agrees to the assistance of such officers by the local authorities in the recovery of deserters.

Article 22

- 5 -

Article 22 provides for the settlement of estates by consular officers.

Article 23 provides for a court of arbitration to decide on the interpretation of the treaty when there is a doubt as to its meaning. This court of arbitration is to consist of one nominee from each country and a third chosen by them from a neutral country to act as chairman.

Article 24 states that the provisions of this treaty shall also apply to the Mandated Territory of South West Africa.

Article 25 provides that this treaty in its most favored nation features shall not interfere with any restrictions placed by either country on Asiatic or colored subjects or citizens of the other.

Article 26 provides for the ratification of the treaty and fixes its life as two years but is to automatically continue in effect unless it is denounced by either party.

The Protocol is in the main interpretative.

Paragraph (1) refers to the exemption regarding Customs Unions in Article 4 of the treaty, and states that the agreement between the Union Government, the Rhodesias and the native Protectorates shall be deemed

- 6 -

a Customs Union.

Paragraph (2) states that Article 5 regarding the right of acquiring property shall not apply in any way so as to conflict with the British Merchant Shipping Act.

Paragraph (3) states that the excepted preferences in Article 8 are admitted by the German Government only when confined to the countries specified.

Paragraph (4) modified Article 10 to provide for plant quarantine, regulations as to quality of merchandise, prison-made goods and other prohibited merchandise. This Paragraph adds that the two Governments will exchange a list of the existing prohibitions within three months of the coming into force of the treaty.

Paragraph 7 provides for the later exchange of a list of articles produced or manufactured in the two countries upon which reciprocal customs tariff concessions will be made, and states that this agreement as to concessions when made will be considered as an integral part of the treaty.

Paragraph 8 states that the contracting parties agree to conclude later treaties for the removal of double taxation of their respective nationals.

Paragraph 9 fixes the status of nationals of the Union of South Africa and states that the Protocol constitutes

- 7 -

stitutes an essential part of the treaty.

DISCUSSION OF TREATY:

In its main particulars the treaty is, more or less, the usual form of most favored nation treaty of commerce and navigation, but it has certain features that make it especially significant and interesting.

From the British point of view, including, of course, South Africans of British descent and sympathy, Article 8 is the most important part of the treaty. The use of the word "now," in the eighth line of this Article, is understood to preclude the possibility of future preferential arrangements between Great Britain, or other Dominions, and South Africa, without granting the same preference to Germany. This interpretation is emphasized in Paragraph 3 of the Protocol, which provides that the German Government renounces any claim to minimum rates or rebates only when they are confined to the countries specifically named in Article 8.

The argument made by the local pro-British press is that, because of this provision, Germany would have the right to claim the benefits of any future preferences given to Great Britain or one of the Dominions, without giving anything in return; in other words, that if South Africa admitted some British manufacture free of duty in return for a similar reduction or remission of duty on some South African product, Germany would have

the

- 8 -

the right to the same preference in regard to exports to South Africa, but without admitting the South African article at a lower rate. As it could never be the intention of the South African Government to give Germany any such privilege, it is reasonable to believe that the intention is to preclude the making of future preferential arrangements with Great Britain.

There is another interesting feature in connection with the wording of Article 8. In the original South African tariff of 1924, the rates of duty are listed in two columns, "minimum" and "maximum." In several instances, Great Britain, or others of the Dominions, receive a rebate, making the duty to be paid equal to that of the "minimum" column; but the Tariff Act expressly states that the "minimum" column is intended to be used for the purpose of bargaining for reciprocal customs privileges with other countries. Article 8 uses the words "the German Reich may not claim the minimum rates or rebates, etc., granted to Great Britain, etc."

Paragraph 7 of the Protocol provides for a later agreement, which is to be a part of the treaty, on reciprocal reductions of the tariff rates on German and South African merchandise, but the wording of the above-mentioned phrase in Article 8 would seem to indicate that wherever Great Britain or a Dominion has a preference, it would preclude any question of bargaining with Germany on these articles.

From the American point of view, the dangerous

feature

- 9 -

feature of the treaty unquestionably lies in Paragraph 7 of the Protocol. If the South African Government should come to an agreement with Germany on a considerable list of manufactures and products of the two countries, upon which a mutual reduction of the duties in each country would be made on a "quid pro quo" basis, it might easily have a very disastrous affect on the commerce of the United States with South Africa.

The storm which has been raised in the English-language press of South Africa against the treaty in general, and Article 8 in particular, may have the effect of causing those in charge of such matters in the South African Government to hesitate before attempting to bargain for mutual reductions in the tariff, or to refrain from any such action altogether.

Paragraph 8 of the Protocol, which provides for later treaties or agreements between the two countries in order to avoid double taxation of their nationals, might also cause discrimination against American business men or branches of American manufacturers in South Africa.

Local Reaction to the Treaty:

The British-South African press is unanimous in their condemnation of Article 8 of the treaty, although they admit that South Africa, or any self-governing Dominion, has a perfect right to make any treaty that they desire.

The

- 10 -

The NATAL MERCURY recalls the pledge previously given by Mr. Havenga, Minister of Finance, to the effect that, if any other country were given favorable treaty terms, the same terms would automatically be extended to Great Britain. The paper admits that while the German trade treaty does not violate that pledge, it hits a harder blow, in that it provides that Great Britain's preferences are strictly limited to those which she now enjoys.

An important local business man and Member of Parliament speaks of the treaty as an example of "grave ingratitude." The President of the Durban Chamber of Commerce calls the treaty "a breach of faith with South Africa's best friend." The CAPE TIMES, in an editorial, refers to the British-German trade treaty of 1924, which especially provided for the exception of most favored nation treatment in the case of any preferences, past or future, given within the British Empire. It also refers to the treaty between Canada and Belgium of 1924-25, in which Canada reserves the right to give preferential treatment to the products of members of the British Commonwealth of Nations.

In another editorial, the TIMES calls attention to the agreement at the Imperial Conferences of 1923 and 1926, that any of the Governments of the Empire, contemplating the negotiation of a treaty, should give due consideration to its possible effect upon other governments, and should take steps to inform those likely to

be

- 11 -

be interested of its intention.

On December 7, representatives of the Citrus Fruit Exchange, the Farmers' Union, the Raisin Farmers, the Wine Farmers' Cooperative Association, the South African Dried Fruit Company, the South African Cooperative Deciduous Exchange, the Western Province Tobacco-Growers Association and the South African Cooperative Citrus Exchange held a meeting at which a resolution was passed to the effect that, as Great Britain is South Africa's best customer, it is feared that the German treaty, as drafted, may be closing the door to any further preferential treatment on the part of the British Empire, and begging the Government to reconsider the terms of the treaty in the light of the serious injury to South African products, which might result if it be ratified in its present form.

General Smuts, the leader of the Opposition, in a recent speech, made the statement that the German trade treaty, when taken in connection with the reductions made in British preferences in 1925, lends color to the charge that the present Government in South Africa is anti-British. He says that Article 8 of the treaty may be considered "a slap in the face for South Africa's best friend."

British Reaction:

It is difficult to know just what the British reaction to the treaty may be, as newspapers, the general public

- 12 -

public, and government officials have shown a disinclination to discuss the matter frankly. The DAILY EXPRESS admits that South Africa has a right to enter into commercial contracts, but blames British statesmen for not having welded the Empire into a single trading unit ten years, or more, ago. In answer to questions upon Floor of Parliament, the responsible officials have stated that they were kept informed of the progress and terms of the treaty, and that they had the opportunity of expressing their opinion. Nothing was stated, however, as to what this opinion might have been, or as to the answer by South Africa to such an expression. Mr. Smit, the Union's High Commissioner to Great Britain, in a recent speech, made the general and meaningless statement that "of course no illwill towards Great Britain or the Empire was intended by the treaty, because no such illwill towards Great Britain exists in South Africa."

The general tendency in Great Britain seems to be to refrain from discussion and criticism of the treaty, and to await developments before coming to a decision as to its results, both as affecting the relations between South Africa and the other parts of the Empire and its effects on the other Dominions.

Other Parts of the Empire:

The Acting Premier of Southern Rhodesia refers to the Treaty in a speech at Bulawayo on December 3. He states that the possible effects of the treaty were causing considerable concern in the Colony because of the customs

agreement

- 13 -

agreement between Rhodesia and the Union.

Under this agreement, certain classes of merchandise once entered into the Union were free to come into Rhodesia without payment of further duty. If German merchandise received substantial preferences in entering the Union, it would mean that they could come into Rhodesia on the same basis, and would compete with British manufactures unfairly, this being in conflict with a part of the "Rhodes' Clause," which apparently guarantees preferential treatment for everything British over foreign products.

A press report from Melbourne states that the Australian Government regards the trade treaty between South Africa and Germany with the utmost seriousness, as it would seem that South Africa has tied herself to Germany and barred the way to a general plan of reciprocity on the lines suggested by Lord Melchett.

Mr. Bruce, the Prime Minister, states that he had known of the negotiations and had stated his views in regard to the terms, but that now that the treaty had been completed, it was not for him to comment on the action of a sister Dominion.

It is understood that the treaty is being scrutinised very carefully, and discussed by the Canadian Government.

Resumé:

It is indicated that the South African Government

did

- 14 -

did not agree to the phrasing of Article 8 through ignorance, or without realization of what it would mean, but that their intention was to preclude future preferential arrangements with Great Britain or other parts of the Empire.

There is little doubt but that there is a certain amount of anti-British feeling in the present Government of South Africa. It is known that officials of the Board of Trade are especially unsympathetic to any idea of preferential treatment of British imports into South Africa, and it is the Board of Trade which has drafted this treaty under the nominal supervision of the Minister of Mines and Industries. The officials of the Board of Trade drafted the present customs tariff and it is known that they are in favor of bargaining for reciprocal tariff reductions.

From the South African viewpoint, the makers of the Treaty seem to have made one serious mistake. In its present form the Treaty gives Germany the benefit of most favored nation treatment in all future tariff concessions, which would seem to preclude the possibility of tariff bargaining with any other country, as, according to the present interpretation of Article 8, any tariff concession given to any other country would have to be given to Germany.

The Treaty must be ratified by the South African Parliament and there is no doubt but that the Opposition

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Clifford
See #154
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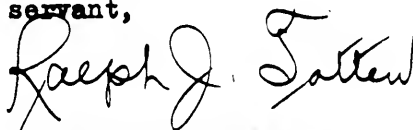
- 15 -

(the pro-British South African Party) will fight it in every way in their power. Even if the Treaty is ratified, it may be that the bitterness of the opposition will cause the Government to give up the theory of tariff bargaining. If they should proceed with this idea and should make reciprocal concessions to Germany, and probably other countries, it might have a very serious effect on American trade with South Africa. The balance of trade is largely in our favor; there is a great deal of adverse sentiment against American products because of our quarantine against South African fresh fruit; and, we could not bargain for reciprocal tariff concessions.

It would be useful if the Department could indicate to the Consulate General its desires as to what attitude should be taken in informal discussions when the question comes up of putting into effect the provisions of paragraph 7 of the protocol, that is the agreement on mutual customs tariff concessions.

I have the honor to be, Sir,

Your obedient servant,



Ralph J. Totten,
American Consul General.

Enclosure:

2 Copies of Government Gazette No. 1738,
issued November 16, 1928.

800 & 500.

RJT/C.

(Copy to the American Embassy, London.)

Enclosure to Despatch No. 513 of Ralph J. Totten, American Consul General at Cape Town, South Africa, dated December 13, 1928, on the subject of the "Treaty of Commerce and Navigation between the Union of South Africa and the German Reich."

BYVOEGSEL TOT DIE STAATSKOERANT VAN DIE UNIE VAN SUIDAFRIKA. SUPPLEMENT TO THE UNION OF SOUTH AFRICA GOVERNMENT GAZETTE.

PRETORIA. 16 NOVEMBER
16TH NOVEMBER, 1928.

*Alle Proklamasies, Goewermments en Algemene Kennisgewings, gepubliseer vir die eerste keer, word gemerk met een * in die opperlinkerhoek.*

DEPARTEMENT VAN MYNWESE EN NYWERHEID.

Die volgende Goewermmentskennisgewing word vir algemene informasie gepubliseer.

L. P. VAN ZYL HAM,
Sekretaris van Mynwese en Nywerheid.

Departement van Mynwese en Nywerheid, Pretoria.

* No. 1982.]

[16 November 1928.

Die Verdrag van Handel en Skeepvaart wat op 1 September 1928 tussen die Unie van Suid-Afrika en die Duitse Ryk aangegaan is, word hiermee vir algemene inligting openbaar gemaak in Afrikaanse, Engelse en Duitse teks.

*All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.*

DEPARTMENT OF MINES AND INDUSTRIES

The following Government Notice is published for general information.

L. P. VAN ZYL HAM,
Secretary for Mines and Industries.

Department of Mines and Industries, Pretoria.

* No. 1982.]

[16th November, 1928.

The Treaty of Commerce and Navigation which was entered into between the Union of South Africa and the German Reich on 1st September, 1928, is hereby published for general information in Afrikaans, English, and German texts.

VERDRAG VAN HANDEL EN SKEEP- VAART TUSSEN DIE UNIE VAN SUID-AFRIKA EN DIE DUITSE RYK.

Sy Majesteit die Koning van die Verenigde Koninkryk van Groot-Brittanje, Ierland en die Britse Oorsee Geweste, Keiser van Indië, vir en ten behoeve van die Unie van Suid-Afrika, en die Duitse Ryks-president, wensende om die handelsbetrekkinge wat reeds tussen die Unie van Suid-Afrika en die Duitse Ryk bestaan, verder te bevorder en uit te brei, het besluit om 'n verdrag van handel en skeepvaart vir daardie doel en tot daardie einde aan te gaan, en het hulle gevolmagtigdes benoem, te wete:—

Sy Majesteit die Koning van die Verenigde Koninkryk van Groot-Brittanje, Ierland en die Britse Oorsee Geweste, Keiser van Indië: Die Hoogedelgestrenge Heer Fredrik William Beyers, K.C., L.V., Lid van die Uitvoerende Raad en Minister van Mynwese en Nywerheid van die Unie van Suid-Afrika;

Die Duitse Rykspresident: Herr Otto Sarnow, Ministerialrat in die Duitse Ministerie van Finansies;

Wat, nadat hulle hulself oortuig het omtrent hulle respektiewe volmagte, ooreengekom het as volg:—

ARTIKKEL 1.

Daar sal wedersydse vryheid van handel en skeepvaart bestaan tussen die lande van die kontrakterende partye.

Die onderdane of burgers van ieder van die kontrakterende partye sal, met inagneming van die wette en reglemente in die algemeen toepaslik op burgers, die vryheid geniet om vryelik en sonder hinder met hulle skepe en die ladinge daarvan te kom na alle plekke en hawens in die gebied van die ander, waar onderdane of burgers van daardie party toegelaat is of mag word, en sal dieselfde regte, voorregte, vryhede, gunste en verstellings met betrekking tot handel en skeepvaart geniet as wat onderdane of burgers van daardie party geniet of sal geniet.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNION OF SOUTH AFRICA AND THE GERMAN REICH.

His Majesty the King of the United Kingdom of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for and on behalf of the Union of South Africa, and the President of the German Reich, being desirous of further facilitating and extending the commercial relations already existing between the Union of South Africa and the German Reich, have resolved to conclude a treaty of commerce and navigation for that purpose and to that end, and have appointed their plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India: The Honourable Fredrik William Beyers, K.C., M.L.A., a Member of the Executive Council and Minister of Mines and Industries of the Union of South Africa;

The President of the German Reich: Herr Otto Sarnow, Ministerialrat in the German Ministry of Finance;

Who, having satisfied themselves as to their respective full powers, have agreed as follows:—

ARTICLE 1.

There shall be between the territories of the contracting parties reciprocal freedom of commerce and navigation.

The subjects or citizens of either of the contracting parties, upon conforming themselves to the laws and regulations applicable generally to nationals, shall have liberty, freely and securely to come, with their ships and cargoes, to all places and ports in the territories of the other to which subjects or citizens of that party are or may be permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by subjects or citizens of that party.

HANDELS- UND SCHIFFFAHRTSVER- TRAG ZWISCHEN DEM DEUTSCHEN REICHE UND DER SÜDAFRIKA- NISCHEN UNION.

Der Deutsche Reichspräsident einerseits und Seine Majestät der König des Vereinigten Königreichs von Grossbritannien, Irland und der britischen überseeischen Dominien, Kaiser von Indien, für die Südafrikanische Union andererseits, von dem Wunsche beseelt, die zwischen dem Deutschen Reich und der Südafrikanischen Union bereits bestehenden Handelsbeziehungen weiter zu erleichtern und auszuweiten, haben beschlossen zu diesem Zwecke einen Handels- und Schifffahrtsvertrag abzuschliessen und haben zu ihren Bevollmächtigten ernannt,

Der Deutsche Reichspräsident: den Ministerialrat im Reichsfinanzministerium Otto Sarnow;

Seine Majestät der König des Vereinigten Königreichs von Grossbritannien, Irland und der britischen überseeischen Dominien, Kaiser von Indien: den Honourable Fredrik William Beyers, K.C., M.L.A., Mitglied des Vollziehenden Rats und Minister der Südafrikanischen Union für Bergwerke und Industrie;

die nach Prüfung ihrer Vollmachten die nachstehenden Artikel vereinbart haben:

ARTIKEL 1.

Zwischen den Gebieten der vertragsschliessenden Teile soll gegenseitige Freiheit des Handels und der Schifffahrt bestehen.

Die Staatsangehörigen jedes vertragsschliessenden Teils sollen das Recht haben, mit ihren Schiffen und deren Ladungen frei und sicher nach allen Plätzen und Häfen in dem Gebiet des anderen Teils zu kommen, nach denen die Staatsangehörigen dieses Teils zur Zeit oder etwa künftig kommen dürfen, und sie sollen in Hinsicht auf Handel und Schifffahrt dieselben Rechte, Vorrechte, Freiheiten, Vergünstigungen, Befreiungen und Ausnahmen geniessen, die die Staatsangehörigen dieses Teils geniessen oder etwa geniessen werden: alles dies unter der Voraussetzung, dass sie die Gesetze und Vorschriften beachten, die im allgemeinen für die eigenen Staatsangehörigen gelten.

ARTIEKEL 2.

Die onderdane of burgers van ieder van die kontrakterende partye sal in die gebied van die ander ten opsigte van hulle persone, hulle eiendom, regte en belange, en ten opsigte van handel, nywerheid, besigheid, professie, beroep of enige ander saak, in ieder opsig dieselfde behandeling en wetlike beskerming geniet as die onderdane of burgers van daardie party of van die mees begunstigde land, wat betref algemene en plaaslike belastinge, tolregte, skattings, heffings wat wesenlik belastinge is, en ander soortgelyke laaste.

ARTIEKEL 3.

Die kontrakterende partye kom ooreen dat, in alle sake betreffende handel, skeepvaart en nywerheid, enige voorreg, guns of vrystelling wat een party toegestaan het of hierna mag toestaan aan die skeep en onderdane, of burgers van enige andere staat, gelyktydig en onvoorwaardelik sonder versoek en sonder vergoeding aan die skeep en onderdane van die ander verleen sal word, daar dit hulle bedoeling is dat die handel, skeepvaart en nywerheid van ieder van die partye in alle opsigte op die voet van die mees begunstigde land sal geplaas word.

ARTIEKEL 4.

Die bepalinge van hierdie verdrag ten opsigte van die waarborg tot behandeling as mees begunstigde land sal nie op die volgende van toepassing wees nie—

- (1) gunste werklik toegestaan of wat hierna toegestaan mag word deur een van die kontrakterende partye aan 'n aangrensende staat of gebied tot vergemakliking van verkeer vir bepaalde grensstreke, wat in die reël nie verder uitstrekt as 15 kilometer aan die een of die ander kant van die grens nie, en vir inwoners van sodanige streke;
- (2) gunste werklik toegestaan of wat hierna toegestaan mag word deur die Unie van Suid-Afrika aan Portugees Oos-Afrika;
- (3) gunste werklik toegestaan of wat hierna toegestaan mag word deur een van die kontrakterende partye aan 'n derde staat of gebied ingevolge 'n toelating wat reeds gesluit is of later gesluit mag word;
- (4) gunste wat een van die kontrakterende partye toegestaan het of hierna mag toestaan aan 'n derde staat in ooreenkomste tot voorkoming van dubbele belasting en die onderlinge beskerming van die skatkis;
- (5) voorregte en tegemoetkominge wat reeds werklik toegestaan is of wat hierna toegestaan mag word, aan skeep wat seepos onder kontrak vervoer.

ARTIEKEL 5.

Die onderdane of burgers van ieder van die kontrakterende partye geniet in die gebied van die ander volle vryheid om elke soort eiendom, roerende of onroerende, te verkopen en te besit wat die wette van die ander party die onderdane of burgers van enige ander staat toelaat of sal toelaat om te verkopen en te besit. Hulle mag daarvoor beskik deur verkoop, ruil, skenking, huwelik, testament, of op enige ander wyse, of dit verwerf deur erfopvolging onder dieselfde omstandighede as wat bepaal is of sal word ten opsigte van onderdane of burgers van die ander party.

Die onderdane of burgers van ieder van die kontrakterende partye word ook toegelaat om, met inagneming van die wette van die ander party, vryelik die opbrengs van die verkoop van hulle eiendom en hulle goed in die algemeen uit te voer sonder om onderworpe te wees aan ander of hoër regte dan die, waaraan onderdane of burgers van sodanige party of van die mees begunstigde land onder soortgelyke omstandighede onderhewig sou wees.

ARTIEKEL 6.

Die onderdane of burgers van ieder van die kontrakterende partye is geregtig op die gebied van die ander te betree, daarin te reis, te woon en te werk of hulle daarin te vestig so lang as hulle die geldende voorwaardes en reglemente op die toegang, reis, verblyf, vestiging en werk van die onderdane of burgers van alle ander state nakom en inagnem.

ARTICLE 2.

The subjects or citizens of either of the contracting parties shall enjoy in the territories of the other, in respect of their persons, their property, rights and interests, and in respect of commerce, industry, business, profession, occupation, or any other matter, in every way the same treatment and legal protection as the subjects or citizens of that party or of the most favoured nation, in as far as taxes, rates, customs, imposts, fees which are substantially taxes, and other similar charges are concerned.

ARTICLE 3.

The contracting parties agree that in all matters relating to commerce, navigation, and industry, any privilege, favour, or immunity which either of the parties has actually granted or may hereafter grant to the ships and subjects or citizens of any other state shall be extended simultaneously and unconditionally, without request and without compensation, to the ships and subjects or citizens of the other, it being their intention that the commerce, navigation, and industry of either of the parties shall be placed in all respects on the footing of the most favoured nation.

ARTICLE 4.

The provisions of the present treaty with regard to the grant of the treatment of the most favoured nation do not extend to—

- (1) favours actually granted or which may hereafter be granted by either of the contracting parties to an adjoining state or territory to facilitate traffic for certain frontier districts, as a rule not extending beyond 15 kilometres on each side of the frontier, and for residents in such districts;
- (2) favours actually granted or which may hereafter be granted by the Union of South Africa to Portuguese East Africa;
- (3) favours actually granted or which may hereafter be granted by either of the contracting parties to a third state or territory in virtue of a customs union which has already been or may be hereafter concluded;
- (4) favours which either of the contracting parties has granted or may hereafter grant to a third state in agreements for the avoidance of double taxation, and the mutual protection of the revenue;
- (5) privileges and facilities actually extended, or which may hereafter be extended to vessels carrying mails under contract.

ARTICLE 5.

The subjects or citizens of either of the contracting parties shall in the territories of the other be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the other party permit, or shall permit, the subjects or citizens of any other state to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance, under the same conditions as are or shall be established with regard to subjects or citizens of the other party.

The subjects or citizens of either of the contracting parties shall also be permitted, on compliance with the laws of the other party, freely to export the proceeds of the sale of their property and their goods in general without being subjected to other or higher duties than those to which subjects or citizens of such party or of the most favoured nation would be liable under similar circumstances.

ARTICLE 6.

The subjects or citizens of either of the contracting parties shall be entitled to enter, travel, reside, settle, and work in the territories of the other so long as they satisfy and observe the conditions and regulations, in force at the time, applicable to the entry, travel, residence, settlement, and work of the subjects or citizens of all other states.

ARTIKEL 2.

Die Staatsangehörigen jedes vertragschliessenden Teils sollen in dem Gebiet des anderen Teils sowohl hinsichtlich ihrer Person als auch hinsichtlich ihrer Güter, Rechte und Interessen sowie in Bezug auf Handel, Gewerbe, Geschäft, Beruf, Betätigung oder irgend welche sonstige Angelegenheiten in jeder Beziehung die gleiche Behandlung und den gleichen gesetzlichen Schutz geniessen wie die Staatsangehörigen dieses Teils oder die des meistbegünstigten Landes, soweit es sich um Steuern, Abgaben, Zölle, Auflagen, Gebühren, die ihren Wesen nach Steuern sind, und um ähnliche Lasten handelt.

ARTIKEL 3.

Die vertragschliessenden Teile kommen überein, dass in allen Handel, Schifffahrt und Gewerbe betreffenden Angelegenheiten alle Vorrechte, Vergünstigungen oder Befreiungen die ein Teil den Schiffen und Angehörigen irgend eines anderen Staates gegenwärtig zugestehet oder in Zukunft zugestehen wird, gleichzeitig und bedingungslos, ohne Ansuchen und ohne Gegenleistung auf die Schiffe und Staatsangehörigen des anderen Teils ausgedehnt werden sollen; hierbei ist es ihre Absicht, Handel, Schifffahrt und Gewerbe jedes Teils in jeder Hinsicht denjenigen des meistbegünstigten Landes gleichzustellen.

ARTIKEL 4.

Die die Gewährung der Behandlung als meistbegünstigtes Land betreffenden Bestimmungen dieses Vertrages erstrecken sich nicht auf:

- (1) Vergünstigungen, die zur Zeit oder etwa später von einem vertragschliessenden Teile einem unmittelbar benachbarten Staate oder Gebiet zur Erleichterung des Verkehrs für gewisse, in der Regel nicht über 15 km. beiderseits der Grenze hinausgehende Grenzgebiete und für die Bewohner solcher Gebiete eingeräumt werden;
- (2) Vergünstigungen, die zur Zeit oder etwa später von der Südafrikanischen Union Portugiesisch Ost-Afrika eingeräumt werden;
- (3) Vergünstigungen, die zur Zeit oder etwa später von einem vertragschliessenden Teile einem dritten Staate oder Gebiet auf Grund einer schon abgeschlossenen oder etwa später abzuschliessenden Zollunion eingeräumt werden;
- (4) Vergünstigungen, die ein vertragsschliessender Teil in Verträgen über Ausschluss der Doppelbesteuerung und gegenseitigen Schutzes in Steuer-sachen einem dritten Staate zugestanden hat oder etwa später zugestehen wird;
- (5) Vorrechte und Erleichterungen, die zur Zeit oder etwa später solchen Schiffen eingeräumt werden, die auf Grund eines Vertrages Post führen.

ARTIKEL 5.

Die Staatsangehörigen jedes vertragschliessenden Teils sollen in dem Gebiet des anderen Teils volle Freiheit haben, bewegliches und unbewegliches Eigentum jeder Art zu erwerben und zu besitzen, dessen Erwerb und Besitz nach den Gesetzen des anderen Teils den Angehörigen irgend eines anderen Staates gestattet ist oder gestattet werden wird. Sie sollen darüber durch Verkauf, Tausch, Schenkung, Heirat, letzten Willen oder in jeder anderen Weise verfügen oder solches Eigentum durch Erbschaft erwerben können unter den gleichen Bedingungen, die für die Staatsangehörigen des anderen Teils gelten oder gelten werden.

Den Staatsangehörigen jedes vertragschliessenden Teils soll es auch gestattet sein, den Erlös aus dem Verkauf ihres Eigentums und ihrer Waren überhaupt unter Beobachtung der Gesetze des anderen Teils frei auszuführen, ohne anderen oder höheren Abgaben unterworfen zu sein als unter gleichartigen Umständen Staatsangehörige dieses Teils oder des meistbegünstigten Landes.

ARTIKEL 6.

Die Staatsangehörigen jedes vertragschliessenden Teils sollen in das Gebiet des anderen Teils einreisen, dort reisen, sich aufhalten, niederlassen und betätigen können, solange sie den für die Einreise, das Reisen, den Aufenthalt, die Niederlassung und die Betätigung der Angehörigen aller anderen Staaten jeweils geltenden Bedingungen und Vorschriften genügen und sie beobachten.

SUPPLEMENT TO THE UNION OF SOUTH AFRICA GOVERNMENT GAZETTE.

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ARTIKEL 7.

Die onderdane of burgers van ieder van die kontrakterende partye in die gebied van die ander is vrygestel van alle gedwonge militêre diens van watter aard ook, hetsy in die leër, die mariene, lugmag, die skuttery of die burgermag. Hulle is tevens vrygestel van alle regterlike, administratiewe en munisipale dienste, behalwe die wat opgelê is kragtens wette betreffende juries, asook van gedwonge geldenings, van alle heffings, hetsy in geld of in goed, opgelê in plaas van persoonlike diens, en ten slotte van elke militêre verpligting of skatting. Die heffings in verband met die besit van onroerende eiendom onder elke tittel word egter hiervan uitgesluit sowel as gedwonge inkwartiering en ander besondere militêre verpligtings en skattings waaraan alle onderdane van die ander party onderhewig mag wees as eienaars of besitters van geboue of grond.

In so ver as een van die kontrakterende partye sekere militêre verpligtings of skattings aan onderdane of burgers van die ander mag ople, sal hy dieselfde skadeloosstelling ten opsigte daarvan toestaan as toegestaan word aan sy eie onderdane of burgers.

In die hierbovemelde opsigte sal aan die onderdane of burgers van ieder van die kontrakterende partye in die gebied van die ander geen minder gunstige behandeling toegestaan word nie dan die wat toegestaan word of mag word aan die onderdane of burgers van die mees begunstigde land.

Vir die doeleindes van hierdie artikel sal elke onderdane of burger van ieder van die kontrakterende partye, wat kragtens die wette van die ander party 'n onderdane van laasgenoemde party geword het en 'n gebied gedomiseer is, beskou word as 'n onderdane of burger van sodanige party.

ARTIKEL 8.

Enige artikel voortgebring of vervaardig in die gebied van een van die kontrakterende partye sal nie, by invoer in die gebied van die ander, aan onder of hoër tolregte of heffings onderhewig wees nie dan die wat geneel word op soortgelyke artikels in 'n ander land voortgebring of vervaardig; met die verstande dat ten opsigte van die goedere tans bepaaldelik vermeld in die bestaande wetgewing van die Unie van Suid-Afrika die Duitse Ryk geen aanspraak kan maak nie op die minimumtolregte en kortings wat ten opsigte van daardie goedere toegestaan kan word, alreeds indien hulle voortgebring of vervaardig word binne Groot-Brittanje en Noord-Ierland en die Britse Vrygeweste, Kolonies, Beattings en Protektorate en wanneer hulle daarvandaan vir verbruik in die Unie ingevoer word, of op die minimumtolregte en kortings wat werklik aan Kanada en Nu-Seeland respektiewelik toegestaan is ten opsigte van die artikels bepaaldelik vermeld in Dele II en IV van die Tweede Bylae tot Wet No. 36 van 1925 van die Unie van Suid-Afrika.

Met betrekking tot tollormiteite sal enige artikel, in die gebied van een van die kontrakterende partye voortgebring of vervaardig, wanneer dit in die gebied van die ander party ingevoer word, nie onderhewig wees aan enige behandeling wat minder gunstig is nie dan die wat toegestaan is ten opsigte van soortgelyke artikels in 'n ander land voortgebring of vervaardig.

ARTIKEL 9.

By die uitvoer uit die gebied van een van die kontrakterende partye na die gebied van die ander sal geen artikel aan ander of hoër belastinge of heffings onderhewig wees nie, as die wat gehef word op soortgelyke artikels by hulle uitvoer na enige ander land.

ARTIKEL 10.

Die kontrakterende partye onderneem om nie die onderlinge verkeer deur die oplegging van verbodsbepalings of besondere beperkings op hulle invoer of uitvoer te belemmer nie.

Uitsonderings mag in die volgende gevalle voorkom, mits hulle op dieselfde tyd, op dieselfde wyse en tot dieselfde mate toegepas word op ander lande ten opsigte waarvan soortgelyke gronde vir die toepassing van sodanige maatreëls bestaan, en verder mits hulle geen verdere beperking van die onderlinge handel uitmaak nie—

- (1) met die oog op die openbare veiligheid;
- (2) met die oog op die openbare gesondheid of tot beskerming van diere of nuttige plante teen siektes, insekte of skadelike parasiete;

ARTICLE 7.

The subjects or citizens of either of the contracting parties in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, air force, national guard, or militia. They shall similarly be exempted from all judicial, administrative, and municipal functions whatever, other than those imposed by the laws relating to juries, as well as from forced loans, from all contributions, whether pecuniary or in kind, imposed as an equivalent for personal service, and finally from any military exaction or requisition. The charges connected with the possession by any title of landed property are, however, excepted, as well as compulsory billeting and other special military exactions or requisitions to which all subjects or citizens of the other party may be liable as owners or occupiers of buildings or land.

In so far as either of the contracting parties may levy any military exactions or requisitions on the subjects or citizens of the other, it shall accord the same compensation in respect thereof as is accorded to its own subjects or citizens.

In the above respects the subjects or citizens of either of the contracting parties shall not be accorded in the territories of the other less favourable treatment than that which is or may be accorded to subjects or citizens of the most favoured nation.

For the purposes of this article any subject or citizen of either of the contracting parties who has, under the laws of the other party, become a subject and is domiciled in the territories of the latter party shall be regarded as a subject or citizen of such party.

ARTICLE 8.

Any article produced or manufactured in the territories of either of the contracting parties, on importation into the territories of the other, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other country; provided that in respect of the goods now specifically enumerated in the existing legislation of the Union of South Africa the German Reich may not claim the minimum rates or rebates which can only be granted on such goods if produced or manufactured within Great Britain and Northern Ireland and the British Dominions, Colonies, Possessions, or Protectorates and when imported therefrom for consumption within the Union nor such minimum rates or rebates as have actually been granted to Canada and New Zealand respectively in respect of the articles specifically mentioned in Schedule I, Parts II and IV, to Act No. 36 of 1925 of the Union of South Africa.

With regard to customs formalities any article produced, or manufactured in the territory of either of the contracting parties when imported into the territory of the other party shall not be subjected to any treatment less favourable than that accorded to like articles produced, or manufactured in any other country.

ARTICLE 9.

No articles on exportation from the territories of either of the contracting parties to the territories of the other shall be subjected to other or higher duties or charges than those levied on the like articles on exportation to any other country.

ARTICLE 10.

The contracting parties undertake not to impede the mutual traffic through the imposition of any prohibitions or special restrictions upon their imports or exports.

Exceptions may occur in the following cases, provided that they are applied at the same time, in the same manner, and to the same extent to other countries in regard to which like grounds for applying such measures exist, and provided further that they do not constitute a disguised restriction on the mutual trade—

- (1) in consideration of the public safety;
- (2) in consideration of the public health or for protection of animals or useful plants against diseases, insects, and harmful parasites;

ARTIKEL 7.

Die Staatsangehörigen jedes vertragschliessenden Teils sollen in dem Gebiet des anderen Teils von jedem zwangsweisen Militärdienst in der Landmacht, in der Seemacht, den Luftstreitkräften, der Nationalgarde oder der Miliz befreit sein. In gleicher Weise sollen sie befreit sein von jedem Dienst in der Rechtspflege und in der Staats- oder Gemeinde-Verwaltung, mit Ausnahme des gesetzlich festgesetzten Geschworenenendienstes, ferner von Zwangsanleihen, allen Geld- oder Naturalleistungen, die als Ablösung für persönliche Dienstleistungen auferlegt werden, und schliesslich von allen militärischen Zwangsleistungen oder Requisitionen. Ausgenommen hiervon sind jedoch die aus irgend einem Rechtstitel mit dem Besitz eines Grundstücks verbundenen Lasten sowie zwangsweise Einquartierung und andere besondere militärische Zwangsleistungen oder Requisitionen, zu denen alle Staatsangehörigen des anderen Teils als Eigentümer oder Inhaber von Gebäuden oder Land herangezogen werden können.

Soweit ein vertragschliessender Teil von den Angehörigen des anderen Teils militärische oder Requisitionsleistungen fordert, soll er ihnen hierfür die gleichen Entschädigungen gewähren wie den eigenen Staatsangehörigen.

In den obengenannten Fällen sollen die Staatsangehörigen des einen vertragschliessenden Teils in dem Gebiet des anderen keine ungünstigere Behandlung erfahren, als die Staatsangehörigen des meistbegünstigten Landes erfahren oder erfahren werden.

Im Sinne dieses Artikels soll jeder Staatsangehörige eines vertragschliessenden Teils, der nach den Gesetzen des anderen ein Staatsangehöriger dieses Teils geworden ist und in dessen Gebiet seinen Wohnsitz hat, als Staatsangehöriger dieses Teils betrachtet werden.

ARTIKEL 8.

In dem Gebiet eines vertragschliessenden Teils erzeugte oder hergestellte Waren sollen bei der Einfuhr in das Gebiet des anderen Teils keinen anderen oder höheren Zöllen oder Abgaben unterliegen als die in irgend einem anderen Lande erzeugten oder hergestellten gleichartigen Waren; dabei wird vorausgesetzt, dass das Deutsche Reich bezüglich derjenigen Waren, die gegenwärtig in der geltenden Gesetzgebung der Südafrikanischen Union ausdrücklich aufgezählt sind, keinen Anspruch erheben soll auf diejenigen Mindestsätze oder Nachlässe, die für solche Waren nur gewährt werden können, wenn sie in Grossbritannien oder Nordirland sowie in den Britischen Dominien, Kolonien, Besitzungen oder Protektorate erzeugt oder hergestellt und von dort zum Verbrauch innerhalb der Union eingeführt sind; ebenso soll das Deutsche Reich keinen Anspruch erheben auf die Mindestsätze oder Nachlässe die Kanada und Neuseeland für solche Waren gewährt werden, die in Tabelle II Teil II & IV des Gesetzes Nr. 36 für 1925 der Südafrikanischen Union besonders aufgeführt sind.

Mit Bezug auf Zollformalitäten sollen die in dem Gebiet eines vertragschliessenden Teils erzeugten oder hergestellten Waren bei der Einfuhr in das Gebiet des anderen Teils nicht ungünstiger behandelt werden als die in irgend einem anderen Lande erzeugten oder hergestellten gleichartigen Waren.

ARTIKEL 9.

Keine Waren sollen bei der Ausfuhr aus dem Gebiet des einen in das Gebiet des anderen vertragschliessenden Teils anderen oder höheren Zöllen oder Abgaben unterworfen sein als gleichartige Waren bei der Ausfuhr nach irgend einem anderen Lande.

ARTIKEL 10.

Die vertragschliessenden Teile verpflichten sich, den gegenseitigen Verkehr nicht dadurch zu hindern, dass sie ihrer Einfuhr oder Ausfuhr irgendwelche Verbote oder besondere Beschränkungen auferlegen.

Ausnahmen können, vorausgesetzt dass sie gleichseitig, in gleicher Weise und in gleichem Umfang gegenüber anderen Ländern angewandt werden, bei denen gleichartige Voraussetzungen für die Anwendung solcher Massnahmen bestehen, vorausgesetzt ferner dass sie keine verschleierte Beschränkung des gegenseitigen Warenaustausches darstellen, in folgenden Fällen stattfinden:

- (1) aus Rücksicht auf die öffentliche Sicherheit;
- (2) aus Rücksicht auf die öffentliche Gesundheit oder zum Schutze von Tieren oder Pflanzen gegen Krankheiten, Insekten und Schädlinge;

BYVOEGSEL TOT DIE STAATSKOERANT VAN DIE UNIE VAN SUIDAFRIKA.

- (3) ten opsigte van wapens, ammunisie en krygs materiaal en, onder buitengewone omstandighede, ook ten opsigte van ander materiaal wat in 'n oorlog benodig is;
- (4) ten opsigte van goedere wat voorwerpe is of mag wees van 'n staats-monopolie in die gebied van een van die kontrakterende partye en ten opsigte van die uithreiding, tot goedere uit watter land ook afkomstig, van alle ander verbodsbepalings of beperkings wat deur die inlandsse wetgewing van een van die kontrakterende partye gestel is of mag word op die voortbrenging, verkoop, versending of verbruik van ware van dieselfde soort binne sy eie gebied voortgebring;
- (5) ten opsigte van die uitvoer van nasionale skatte van artistieke, geskiedkundige of oudheidkundige waarde.

ARTIKEL 11.

Aangaande die deurgang van persone en goedere deur hulle respektiewe gebiede sal die kontrakterende partye wedersyds die bepaling van die internasionale konvensie wat op 20 April 1921 betreffende vryheid van deurgang te Barcelona gesluit is, in toepassing bring.

ARTIKEL 12.

In alle aangeleenthede betreffende die invoer, uitvoer en deurvoer van koopware staan die kontrakterende partye aan mekaar die behandeling van die mees begunstigde land toe, met inagneming van die voorbehoude in Artikels 4 en 8 beding.

ARTIKEL 13.

Geen inlandsse regte, belastinge of beffings wat binne die gebied van een van die kontrakterende partye vir die voordeel van die staat of plaaslike besture of liggame op die voortbrenging, vervaardiging of verbruik van goedere gehê word of gehê mag word, sal onder watter voorwendeel ook op die voortbrengels van die ander party op 'n hoër of meer drukkende wyse gehê word nie dan op soortgelyke voortbrengels van nasionale oorsprong of op soortgelyke voortbrengels van enige ander land.

ARTIKEL 14.

Die bepaling van hierdie verdrag betreffende die wedersydse behandeling as die mees begunstigde land sal onvoorwaardelik van toepassing wees op die behandeling van handelsreisigers en hulle monstere. In verband met hierdie saak kom die kontrakterende partye ooreen om die bepalinge na te kom van die internasionale konvensie insake die vereenvoudiging van tollformaliteite, op 3 November 1923 te Genève geteken.

Maar die bepaling van hierdie artikel sal nie van toepassing wees nie op die rondtrekkende handelsbedryf, die venterhandel en die soek na bestellings deur diensie wat sonder amsag of beroep is. Die kontrakterende partye behou vir hulleself in verband hiermee volledige vryheid van wetgewing voor.

ARTIKEL 15.

Maatskappye met beperkte aanspreeklikheid en ander maatskappye, vennootskappe en verenigings opgerig met die oog op handel, versekering, geldweese, nywerheid, vervoer en enige ander soort besigheid wat in die gebied van die een van die ander kontrakterende partye gevestig is, sal, mits hulle behoortlik opgerig is in ooreenstemming met die wette in daardie gebied van krag, in die gebied van die ander daarop geregtig wees om hulle regte uit te oefen en in die houe as eisers of verweerders te verskyn, met inagneming van die wette van daardie ander party.

Maatskappye met beperkte aanspreeklikheid en ander maatskappye, vennootskappe en verenigings van een van die kontrakterende partye wat toegelaat is in ooreenstemming met die wette en reglemente van krag in die gebied van die ander party, sal in daardie gebied wat belasting betref, op dieselfde manier behandel word as maatskappye met beperkte aanspreeklikheid en ander maatskappye, vennootskappe en verenigings van daardie party.

Sodanige maatskappye, vennootskappe en verenigings kan in die gebied van een van die kontrakterende partye, hetas deur die oprigting van takke of andersins, enige soort besigheid verrig wat maatskappye, vennootskappe en verenigings of onderdane of burgers van enige ander staat toegelaat is of mag word om te verrig.

- (3) in respect of weapons, ammunition, and war material, and, under exceptional circumstances, also in respect of other materials needed in war;
- (4) in respect of goods which are or may be objects of a state monopoly in the territory of either of the contracting parties, and in respect of the extension to goods from any country whatsoever of all other prohibitions or restrictions which are or may be imposed by the internal legislation of either party upon the production, sale, forwarding or consumption of goods of the same kind produced within its own territories; and
- (5) in respect of the export of national treasures of artistic, historic, or archaeological value.

ARTICLE 11.

Concerning the transit of persons and goods through their respective territories the contracting parties will apply mutually the articles of the international convention concluded at Barcelona on 20th April, 1921, respecting freedom of transit.

ARTICLE 12.

It is further understood that in all matters governing the import, export, and transit of merchandise the contracting parties grant to each other the treatment of the most favoured nation, subject only to the reservations stipulated in Articles 4 and 8.

ARTICLE 13.

No internal duties, taxes, or charges which are or may be levied within the territories of either of the contracting parties for the benefit of the State or local authorities or corporations on the production, manufacture or consumption of goods, shall be levied on products of the other party, under any pretext whatever, in a higher and more onerous manner than on the similar products of national origin or on the similar products of any other country.

ARTICLE 14.

The stipulations of the present treaty with regard to the mutual grant of the treatment of the most favoured nation apply unconditionally to the treatment of commercial travellers and their samples. In this matter the contracting parties agree to carry out the provisions of the international convention relating to the simplification of customs formalities signed at Geneva on the 3rd November, 1923.

But the stipulations of this article do not apply to the itinerant profession, the hawker's trade, and the asking for orders of those who have no trade or profession. The contracting parties reserve for themselves in this respect the full freedom of legislation.

ARTICLE 15.

Limited liability and other companies, partnerships, and associations formed for the purpose of commerce, insurance, finance, industry, transport, or any other business and established in the territories of either of the contracting parties shall, provided that they have been duly constituted in accordance with the laws in force in such territories, be entitled, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or as defendants, subject to the laws of such other party.

Limited liability and other companies, partnerships, and associations of either of the contracting parties which shall have been admitted in accordance with the laws and regulations in force in the territories of the other party shall enjoy in those territories the same treatment in regard to taxation as is accorded to the limited liability and other companies, partnerships, and associations of that party.

Such companies, partnerships, and associations may carry on in the territories of either of the contracting parties, whether through the establishment of branches or otherwise, any description of business, which the companies, partnerships, and associations or subjects or citizens of any other state are or may be permitted to carry on.

- (3) in Beziehung auf Waffen, Munition, Kriegsgerät und, unter ausserordentlichen Umständen, auch auf anderen Kriegsbedarf;
- (4) in Beziehung auf Waren, die in dem Gebiet eines vertragschliessenden Teils den Gegenstand eines Staatsmonopols bilden oder bilden werden; sowie zu dem Zwecke, auf Waren irgend eines anderen Landes alle anderen Verbote oder Beschränkungen auszudehnen, die durch die innere Gesetzgebung für die Erzeugung, den Vertrieb, die Beförderung oder den Verbrauch gleichartiger einheimischer Waren im Inlande festgesetzt sind oder festgesetzt werden;
- (5) in Beziehung auf die Ausfuhr von künstlerischem, historischem oder archäologischem Nationalbesitz.

ARTIKEL 11.

Die vertragschliessenden Teile werden auf den Durchgangsverkehr von Personen und Waren durch ihr Gebiet gegenseitig die Bestimmungen des in Barcelona am 20. April 1921 abgeschlossenen internationalen Abkommens über die Freiheit der Durchfuhr anzuwenden.

ARTIKEL 12.

Es besteht ferner Einverständnis darüber, dass die vertragschliessenden Teile einander in allen Angelegenheiten, die sich auf die Einfuhr, die Ausfuhr und die Durchfuhr von Waren beziehen, die Behandlung des meistbegünstigten Landes gewähren, ausgenommen allein die in Artikel 4 und 8 festgesetzten Vorbehalte.

ARTIKEL 13.

Innere Abgaben, Steuern oder Belastungen, die in dem Gebiet eines vertragschliessenden Teils für Rechnung des Staates oder lokaler Behörden oder Körperschaften auf der Erzeugung, der Zubereitung oder dem Verbrauch einer Ware ruhen oder ruhen werden, dürfen die Erzeugnisse des anderen Teils unter keinem Vorwand höher oder in lastiger Weise treffen als die gleichartigen inländischen Erzeugnisse oder als die gleichartigen Erzeugnisse irgend eines anderen Landes.

ARTIKEL 14.

Die Bestimmungen dieses Vertrages über die gegenseitige Gewährung der Meistbegünstigung finden bedingungslos auf die Behandlung der Handelsreisenden und ihrer Muster Anwendung. In dieser Hinsicht kommen die vertragschliessenden Teile überein, die Bestimmungen des in Genf am 3. November 1923 unterzeichneten internationalen Abkommens über die Vereinfachung der Zollformalitäten anzuwenden.

Die Bestimmungen dieses Artikels finden jedoch keine Anwendung auf den Gewerbebetrieb im Umherziehen, auf den Hausierhandel und auf das Aufsuchen von Bestellungen bei Personen, die weder Handel noch ein Gewerbe betreiben. Die vertragschliessenden Teile behalten sich in dieser Hinsicht die volle Freiheit ihrer Gesetzgebung vor.

ARTIKEL 15.

Aktiengesellschaften und andere Erwerbsgesellschaften, Teilhaberschaften und Vereinigungen, die zur Ausübung von Handels-, Versicherungs-, Finanz-, Industrie-, Transport- oder irgend welchen anderen Geschäften gebildet und in dem Gebiet eines vertragschliessenden Teils errichtet sind, sollen, vorausgesetzt dass sie in gehöriger Weise in Übereinstimmung mit den in diesem Gebiet geltenden Gesetzen gegründet sind, in dem Gebiet des anderen Teils zur Ausübung ihrer Rechte ermächtigt und gemäss den Gesetzen dieses Teils als Kläger oder Beklagte vor Gericht zu erscheinen berechtigt sein.

Aktiengesellschaften und andere Erwerbsgesellschaften, Teilhaberschaften und Vereinigungen eines vertragschliessenden Teils, die in Übereinstimmung mit den in dem Gebiet des anderen Teils geltenden Gesetzen und Vorschriften zugelassen worden sind, sollen in diesem Gebiet hinsichtlich der Besteuerung ebenso behandelt werden wie die Aktiengesellschaften und andere Erwerbsgesellschaften, Teilhaberschaften und Vereinigungen dieses Teils.

Solche Gesellschaften, Teilhaberschaften und Vereinigungen sollen in dem Gebiet jedes vertragschliessenden Teils berechtigt sein, sei es durch Errichtung von Zweigniederlassungen, sei es auf andere Weise, ein Geschäft irgend einer Art zu betreiben, das die Gesellschaften, Teilhaberschaften und Vereinigungen oder Angehörigen irgend eines anderen Staates zur Zeit oder in Zukunft betreiben dürfen.

In geen geval sal een van die kontrakterende partye maatskappye, vennootskappe en verenigings van die ander, ten opsigte van watter aangeleentheid ook, minder gunstig behandel as maatskappye, vennootskappe en verenigings van die mees begunstigde land nie.

Die voorafgaande bepaling is van toepassing sowel op maatskappye, vennootskappe en verenigings wat voor die ondertekening van hierdie verdrag opgerig is as op die wat later opgerig mag word.

Hierdie artikel maak geen inbreuk op die reg van een van die kontrakterende partye om wette en reglemente in te voer of te handhaaf betreffende die beskikking oor onroerende goed, mits in hierdie aangeleentheid die behandeling van die mees begunstigde land toegepas word.

ARTIKEL 16.

Ieder van die kontrakterende partye sal die invoer of uitvoer van alle koopware toelaat wat wettig ingevoer of uitgevoer mag word, en tevens die vervoer van persone en hulle bagasie en goed van of na hulle respektiewe lande op die skepe van die ander, en sodanige skepe, hulle ladinge en passasiers sal dieselfde voorregte geniet en sal nie aan enige ander of hoër regte, heffings of beperkings onderworpe wees nie as nasionale skepe en hulle ladinge en passasiers of die skepe van enige ander land en hulle ladinge en passasiers.

Die kontrakterende partye kom ooreen dat hierdie artikel geen inbreuk sal maak op die maatreëls wat een van hulle wenslik ag tot uitvoering van algemene internasionale konvensies, waarby hy aangesluit het of wat hierna mag gesluit word, veral konvensies onder beskerming van die Verdrag van Genève, aangaande deursoer, uitvoer of invoer van besondere soorte artikels, soos opium of ander gevaarlike verdovingsmiddels of die voortbrengsels van visserye, of tot uitvoering van algemene konvensies bedoel om inbreuk op industriële, literêre of artistieke eiendom te voorkom, of aangaande vals merke, vals aangitte van oorsprong of ander maniere van onbillike mededinging.

Verder kom die kontrakterende partye ooreen dat die voorafgaande bepalinge ieder van hulle belet om regte of laste wat onderskeid maak na gelang van die vlag, te heet op die goedere of passasiers in die skepe van die ander vervoer.

Die kontrakterende partye kom verder ooreen, met betrekking tot vergemakliking van internasionale spoorwegverkeer en tot die daarop toepaslike vrugpryse en voorwaardes, om elkeen geen onbillike onderskeid te maak teenoor die goedere, burgers of skepe van die ander nie.

Vrugpryse en vrugprysverlaging of ander tegemoetkoming op spoorweggebied wat ainhanklik is van voorafgaande of latere vervoer van goedere op skepe van enige skeepvaartonderneming in staats- of partikuliere besit, of wat ainhanklik gestel word van 'n bepaalde see- of rivierverbinding, sal onvoorwaardelik van toepassing wees op goedere wat in die skepe van een van die kontrakterende partye in dieselfde rigting en langs dieselfde roetes vervoer word en in 'n hawe van die ander party aankom of daaruit vertrek.

Die bepalinge van hierdie verdrag sal nie van toepassing wees nie op die besondere behandeling wat een van die kontrakterende partye toestaan of later mag toestaan ten opsigte van vis deur skepe van daardie party gevang. Vis deur die skepe van die een party gevang sal, by invoer in die gebied van die ander, nie minder gunstig behandel word nie as vis deur die skepe van enige ander land gevang.

ARTIKEL 17.

Aangaande alles wat betref die aanwysing van aanlegplekke, die laai en los van skepe in die hawens, dokke en reëls van die gebied van die kontrakterende partye sal deur geen party aan die skepe van enige ander land of aan nasionale skepe enige voorreg of gerief verleen word wat nie in dieselfde mate verleen word aan die skepe van die ander party nie, waarvandaan hulle ook al mag aankom of wat ook al hulle plek van bestemming mag wees.

In no case shall the treatment accorded by either of the contracting parties to companies, partnerships, and associations of the other be less favourable in respect of any matter whatever than that accorded to companies, partnerships, and associations of the most favoured nation.

It is understood that the foregoing provisions are applicable to companies, partnerships, and associations constituted before the signing of the present treaty as well as to those which may be constituted subsequently.

Nothing in this article shall prejudice the right of either of the contracting parties to impose or maintain laws and regulations governing the disposal of immovable property, provided that in regard to this matter the treatment of the most favoured nation is applied.

ARTICLE 16.

Either of the contracting parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers and their baggage and effects from or to their respective territories, upon the vessels of the other; and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than national vessels and their cargoes and passengers or the vessels of any other country and their cargoes and passengers.

It is agreed that nothing in this article shall affect the measures which either of the contracting parties may feel called upon to take in pursuance of general international conventions to which it is a party or which may be concluded hereafter, particularly conventions concluded under the auspices of the League of Nations relating to the transit, export or import of particular kinds of articles such as opium or other dangerous drugs or the produce of fisheries or in pursuance of general conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin or other methods of unfair competition.

It is further agreed that the foregoing provisions preclude either of the contracting parties from imposing differential flag duties or charges on goods or passengers carried in vessels of the other.

The contracting parties further agree, in regard to facilities for international railway traffic and to the rates and conditions of their application, to refrain from all discrimination of an unfair nature directed against the goods, nationals or vessels of the other.

Tariffs, reductions in rates or other railway facilities, the application of which is dependent upon previous or subsequent carriage of the goods upon vessels of any state-owned or private shipping undertaking, or which are made conditional upon a given sea or river connection, shall unconditionally apply in the same direction and on the same routes to the goods carried in the vessels of either of the contracting parties and arriving at or departing from a harbour of the other party.

The provisions of this treaty shall not be applicable to the special treatment which is, or may hereafter be, accorded by either of the contracting parties to fish caught by vessels of that party. Fish caught by vessels of either party shall not be treated less favourably in any respect on importation into the territories of the other than fish caught by the vessels of any other country.

ARTICLE 17.

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads and harbours of the territories of the contracting parties, no privilege or facility shall be granted by either party to vessels of any other country or to national vessels which is not equally granted to vessels of the other party from whatsoever place they may arrive and whatever may be their place of destination.

Keinesfalls soll die Behandlung, die den Gesellschaften, Teilhaberschaften und Vereinigungen eines vertragschliessenden Teils vom anderen gewährt wird, in irgendwelcher Hinsicht ungünstiger sein als diejenige, die den Gesellschaften, Teilhaberschaften und Vereinigungen des meistbegünstigten Landes gewährt wird.

Es besteht Einverständnis darüber, dass die vorhergehenden Bestimmungen auf Gesellschaften, Teilhaberschaften und Vereinigungen Anwendung finden, einerlei ob sie vor oder nach Zeichnung dieses Vertrages gegründet worden sind.

Keine Bestimmung dieses Artikels soll das Recht der vertragschliessenden Teile beeinträchtigen, Gesetze und Verordnungen betreffend die Verfügung über unbewegliches Eigentum einzuführen oder aufrecht zu erhalten, sofern in dieser Beziehung der Grundsatz der Meistbegünstigung angewandt wird.

ARTIKEL 16.

Jeder vertragschliessende Teil soll die Ein- und Ausfuhr aller Waren, die gesetzlich ein- und ausgeführt werden dürfen, die Beförderung von Passagieren sowie ihres Gepäcks und ihrer Habseligkeiten von und nach dem eigenen Gebiet auf den See- und Binnenschiffen des anderen Teils gestatten; diese Schiffe, ihre Ladungen, und Passagiere sollen die gleichen Vorrechte geniessen und keinen anderen oder höheren Abgaben und Auflagen unterworfen sein als die See- und Binnenschiffe, deren Ladungen und Passagiere des eigenen oder irgend eines anderen Landes.

Es besteht Einverständnis darüber, dass durch die Bestimmungen dieses Artikels in keiner Weise die Massnahmen berührt werden sollen, zu denen ein vertragschliessender Teil auf Grund allgemeiner internationaler Vereinbarungen, an denen er beteiligt ist, oder die späterhin abgeschlossen werden sollten, sich veranlasst sehen konnte. Namentlich gilt dies für Vereinbarungen, die unter dem Schutz des Völkerbundes abgeschlossen sind, und den Durchgangsverkehr, die Ein- oder Ausfuhr bestimmter Waren, Kategorien wie Opium oder anderer schädlicher Drogen oder der Fischereierzeugnisse betreffen, ebenso für allgemeine Vereinbarungen, die die Verhütung irgendwelcher Beeinträchtigungen von gewerblichen, literarischen oder künstlerischen Eigentumsrechten zum Gegenstand haben oder sich auf die Anwendung falscher Waren- oder Ursprungsbezeichnungen oder anderer Mittel des unlauteren Wettbewerbs beziehen.

Es besteht ferner Einverständnis darüber, dass die vorstehenden Bestimmungen beide vertragschliessenden Teile daran hindern, nach der Flagge abgestufte Zölle oder Auflagen von Gütern oder Passagieren zu erheben, die in Schiffen des anderen Teils transportiert worden sind.

Die vertragschliessenden Teile kommen ferner überein, alle unlauteren Unterscheidungen hinsichtlich der Erlaube für den internationalen Eisenbahnverkehr und hinsichtlich der Sätze und Bedingungen ihrer Anwendung zu unterlassen, soweit sie sich gegen die Güter, Staatsangehörigen oder Schiffe des anderen richten.

Tarife, Ermässigungen der Beförderungspreise oder sonstige Vergünstigungen im Eisenbahnverkehr deren Anwendung von der vorhergehenden oder folgenden Beförderung der Waren mit Schiffen irgendeiner staatlichen oder privaten Schiffsahrtunternehmung oder in einer bestimmten See- oder Flussverbindung abhängig gemacht ist, kommen in derselben Richtung und auf derselben Verkehrsstrecke ohne weiteres auch den Waren zugute, die in den Schiffen eines vertragschliessenden Teils in einem Hafen des anderen Teils ankommen oder von dort weiterbefördert werden.

Die Bestimmungen dieses Vertrages sollen auf die besondere Behandlung, die ein vertragschliessender Teil jetzt oder künftig den von einheimischen Schiffen gefangenen Fischen zubilligt, keine Anwendung finden. Der Fang der Schiffe des einen Teils soll nach keiner Richtung bei der Einfuhr in das Gebiet des anderen Teils ungünstiger behandelt werden als der Fang der Schiffe irgend eines anderen Landes.

ARTIKEL 17.

Bei der Anweisung von Schiffsanlegestellen und beim Laden und Ausladen der Schiffe in den Hafengebietern, Häfen und auf den Reeden in den Gebieten der vertragschliessenden Teile soll kein Teil der Schiffe irgend eines anderen oder des eigenen Landes Vorrechte und Erleichterungen zugestehen, die er nicht gleicherweise den Schiffen des anderen Teils gewährt, ohne Rücksicht darauf, woher diese Schiffe kommen oder wohin sie bestimmt sind.

BYVOEGSEL TOT DIE STAATSKOERANT VAN DIE UNIE VAN SUIDAFRIKA.

ARTIEKEL 18.

Met betrekking tot tonne-, loods-, lig gelde, hawe-, kwarantyn- en ander soortgelyke regte of laste, onder watter benaming ook, wat gehef word namens en ten voordele van die Regering, openbare amptenare, partikuliere, liggende of inrigtings van welke aard ook, sal die skope van ieder van die kontrakterende partye in die hawens van die gebied van die ander inistens so gunstig behandel word as nasionale skope of skope van enige ander land.

Alle regte en gelde wat vir die gebruik van seehawens gehef word, sal behoorlik bekend gemaak word, voordat hulle in werking tree. Dit geld ook vir die verordeninge en reglemente van die hawens. In elke seehawe sal die hawewerf in lys van alle geldende regte en te betale gelde en ook 'n eksplan van die verordeninge en reglemente ter insage van alle betrokke persone beskikbaar hou.

ARTIEKEL 19.

Die kushandel in die gebied van ieder van die kontrakterende partye word van die bepalings van hierdie verdrag uitgesluit en sal gereël word deur die wette en verordeninge van die betrokke party. Die kontrakterende partye staan egter aan mekaar die behandeling van die mees begunstigde land toe, mits wederkerigheid verseker is.

ARTIEKEL 20.

Na inagneming van die wetlik voorgeskrewe formaliteite, sal die onderdane of burgers van ieder van die kontrakterende partye in die gebied van die ander dieselfde regte geniet as die onderdane of burgers van daardie party met betrekking tot patente vir uitvindings, handelsmerke en modelle.

ARTIEKEL 21.

Dit sal ieder van die kontrakterende partye vry staan om konsuls-generaal, konsuls, vise-konsuls en konsulêre agente te benoem om te woon in die stede en hawens van die gebied van die ander, waarin sodanige verteenwoordigers van enige ander staat deur die respektiewe regerings toegelaat mag word. Sodanige konsuls-generaal, konsuls, vise-konsuls en konsulêre agente sal egter nie hulle werksaambede aanvaar, voordat hulle in die gewone vorm deur die Regering, waarheen hulle gestuur is, of finaal of voorlopig toegelaat is nie.

Die konsulêre amptenare van ieder van die kontrakterende partye sal in die gebied van die ander dieselfde amptelike regte, voorregte en vrystellings geniet, mits wederkerigheid toegestaan word, as verleen is of mag word aan soortgelyke amptenare van enige ander staat.

Die konsulêre amptenare van ieder van die kontrakterende partye wat in die gebied van die ander woon, sal van die plaaslike owerheid die hulp ontvang wat regtens aan hulle kan verleen word vir die bemagtiging van weglopers van die skope van hulle respektiewe lande, met die verstaande dat hierdie bepaling nie van toepassing sal wees nie op die onderdane of burgers van die party in wie se gebied hulle wegliep.

ARTIEKEL 22.

As 'n onderdane of burger van een van die kontrakterende partye in die gebied van die ander sterf en erfenisname wat nie daarin woonagtig is nie, nalat, het die konsulêre verteenwoordiger wat die belange van die oorspronklike party behartig, die reg om daardie erfenisname sonder hulle uitdruklike magtiging te verteenwoordig, vir so ver as die wette van die land sulke verteenwoordiging nie uitdruklik verbied nie, in alle sake aangaande die beheer van die eiendom en bevoegdheid van die boedel met die reg van insameling van die aandele wat aan daardie erfenisname toekom, mits die wette van die land nie die persoonlike aanwesigheid van die erfenisname eis nie of mits geen eksekutor benoem is nie.

ARTIEKEL 23.

As 'n geskil in verband met die uitleg of toepassing van hierdie verdrag, met inbegrip van die protokol, nie binne redelike tyd lange diplomatieke weg besleg kan word nie, sal dit, op versoek van een van die kontrakterende partye, aan skeidsgeregterlike beslissing onderwerp word. Dieselfde geld ook vir die voorvraag of die geskil betrekking het op die uitleg of toepassing van die verdrag. Die beslissing van die skeidsgeregter het verbindende krag.

ARTICLE 18.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine or other analogous duties or charges of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the vessels of either of the contracting parties shall enjoy in the ports of the territories of the other treatment at least as favourable as that accorded to national vessels or the vessels of any other country.

All dues and charges levied for the use of maritime ports shall be duly published before coming into force. The same shall apply to the by-laws and regulations of the ports. In each maritime port the port authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the by-laws and regulations.

ARTICLE 19.

Coasting trade, in the territories of either of the contracting parties, is excluded from the provisions of this treaty, and will be governed by the laws and ordinances of the respective party. The contracting parties, however, grant to each other the treatment of the most favoured nation, provided that reciprocity is assured.

ARTICLE 20.

The subjects or citizens of either of the contracting parties shall have in the territories of the other the same rights as subjects or citizens of that party in regard to patents for inventions, trade marks, and designs upon fulfilment of the formalities prescribed by law.

ARTICLE 21.

It shall be free to either of the contracting parties to appoint consuls-general, consuls, vice-consuls, and consular agents to reside in the towns and ports of the territories of the other in which such representatives of any other state may be admitted by the respective governments.

Such consuls-general, consuls, vice-consuls, and consular agents, however, shall not enter upon their functions until after they shall have been admitted, either finally or provisionally, in the usual form by the Government to which they are sent.

The consular officers of either of the contracting parties shall enjoy in the territories of the other the same official rights, privileges and exemptions, provided reciprocity be granted, as are or may be accorded to similar officials of any other state.

The consular officers of either of the contracting parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries, provided that this stipulation shall not apply to subjects or citizens of the party in whose territories the desertion takes place.

ARTICLE 22.

When a subject or citizen of either of the contracting parties dies within the territories of the other, leaving non-resident heirs, the consular representative in charge of the interests of the first party is entitled without express authorization from such non-resident heirs to represent them so far as the laws of the country do not expressly prohibit such representation, in all matters pertaining to administration of the property and settlement of the estate with the right to collect the shares accruing to such heirs, provided that the laws of the country do not expressly demand the personal presence of the heirs or provided that an executor has not been appointed.

ARTICLE 23.

If a dispute in regard to the interpretation or application of this treaty, inclusive of the protocol, cannot be solved by diplomatic means within a reasonable time, it shall, at the request of either of the contracting parties, be submitted for decision to a court of arbitration. The preliminary question whether the dispute relates to the interpretation or application of the treaty shall be dealt with likewise. The award of the court of arbitration shall be binding.

ARTIKEL 18.

In Bezug auf Tonnage-, Hafen-, Lotsen-, Leuchtturm-, Quarantaine- oder andere ähnliche Gebühren oder Abgaben irgendwelcher Bezeichnung, die im Namen oder für Rechnung des Staates, öffentlicher Beamter, Privater, für Rechnung von Körperschaften oder Instituten irgendwelcher Art erhoben werden, sollen die Schiffe jedes vertragschliessenden Teils in den Häfen des anderen eine mindestens ebenso günstige Behandlung erfahren wie diejenigen, die den Schiffen des eigenen oder irgend eines anderen Landes zuteil wird.

Alle Gebühren und Abgaben, die für den Gebrauch von Seehäfen erhoben werden, müssen vor ihrem Inkrafttreten in gehöriger Weise veröffentlicht werden. Dasselbe gilt für die Polizeivorschriften und Hafenordnungen. In jedem Seehafen hat die Hafenbehörde ein Verzeichnis der in Kraft befindlichen Gebühren und Abgaben sowie eine Abschrift der Polizeivorschriften und Hafenordnungen zur öffentlichen Einsichtnahme durch die Interessenten aufzulegen.

ARTIKEL 19.

Die Küstenschifffahrt in dem Gebiet jedes vertragschliessenden Teils ist von den Bestimmungen dieses Vertrages ausgenommen und wird durch die Gesetze und Verordnungen des betreffenden Teils geregelt. Die vertragschliessenden Teile gewähren einander indessen unter der Bedingung der Gegenseitigkeit die Meistbegünstigung.

ARTIKEL 20.

Die Staatsangehörigen jedes vertragschliessenden Teils sollen in dem Gebiet des anderen in Bezug auf Patente für Erfindungen, Handelsmarken und Muster, wenn sie die gesetzlich vorgeschriebenen Formalitäten erfüllen, die gleichen Rechte wie die Staatsangehörigen dieses Teils haben.

ARTIKEL 21.

Jedem vertragschliessenden Teil soll es freistehen, Generalkonsuln, Konsuln, Vizekonsuln und Konsularagenten mit dem Sitz in den Städten und Häfen in dem Gebiet des anderen Teils zu ernennen, in denen solche Vertreter irgend eines anderen Staates durch die betreffende Regierung etwa zugelassen werden.

Solche Generalkonsuln, Konsuln, Vizekonsuln und Konsularagenten sollen ihre amtliche Tätigkeit nicht eher beginnen, als sie in der üblichen Weise seitens der Regierung, zu der sie entsandt sind, endgültig oder vorläufig zugelassen worden sind.

Die Konsularbeamten jedes vertragschliessenden Teils sollen unter der Bedingung der Gegenseitigkeit in dem Gebiet des anderen Teils dieselben Amtsbefugnisse haben, dieselben Vorrechte und Befreiungen geniessen, die den Konsularbeamten irgend eines anderen Staates zustehen oder zustehen werden.

Den Konsularbeamten des einen vertragschliessenden Teils, die in dem Gebiet des anderen Teils tätig sind, sollen die Ortsbehörden bei der Wiederergriffung von Deserturen der Schiffe des betreffenden Teils jeden gesetzlich möglichen Beistand leisten; diese Bestimmung soll jedoch auf die Staatsangehörigen desjenigen Teils, in dessen Gebiet die Entweichung erfolgt ist, keine Anwendung finden.

ARTIKEL 22.

Wenn ein Staatsangehöriger eines vertragschliessenden Teils in dem Gebiet des anderen Teils unter Hinterlassung dort nicht ansässiger Erben stirbt, ist der konsularische Vertreter, der die Interessen des erstgenannten Teils wahrnimmt, auch ohne ausdrückliche Ermächtigung durch die dort nicht ansässigen Erben befugt, sie in allen die Verwaltung des Besitzes und die Regelung des Nachlasses betreffenden Angelegenheiten zu vertreten mit dem Recht, die diesen Erben anfallenden Anteile einzuziehen, soweit nicht die Landesgesetze eine solche Vertretung ausdrücklich ausschliessen oder die persönliche Anwesenheit der Erben ausdrücklich erfordern oder ein Testamentvollstrecker ernannt ist.

ARTIKEL 23.

Wenn über die Auslegung oder Anwendung dieses Vertrages einschliesslich des Protokolls eine Streitigkeit entstehen sollte, die nicht in angemessener Zeit auf diplomatischem Wege geregelt werden kann, so soll diese auf Verlangen eines vertragschliessenden Teils einem Schiedsgericht zur Entscheidung vorgelegt werden. Dies gilt auch für die Vorfrage, ob die Streitigkeit sich auf die Auslegung oder Anwendung des Vertrages bezieht. Die Entscheidung des Schiedsgerichts soll verbindliche Kraft haben.

In elke besondere geval word die skeids-gereg op so'n manier saamgestel dat elke party een van sy burgers as skeidsregter benoem en dat beide partye 'n burger van 'n derde staat as voorsitter en medeskeids-regter kies. Kom die partye binne vier weke na die ontvangs van die versoek om 'n skeidsregterlike beslissing nie ooreen omtrent die keuse van die voorsitter nie, dan sal hulle gesamentlik die President van die Permanente Internasionale Hof van Arbitrasie in Den Haag vra om die voorsitter te benoem. Die kontrakterende partye behou aan hulle self die reg voor om van tevore 'n ooreenkoms te tref aangaande die persoon van die voorsitter vir 'n bepaalde tyd.

Die reëling van die prosedure wat deur die skeidsregter moet in ag geneem word, word in elke besondere geval by onderlinge ooreenkoms tussen die partye vasgestel. As die partye binne drie maande na die beroep op die skeidsregter nie ooreenstemming omtrent die reëling van die prosedure bereik het nie, reël die skeidsregter self sy prosedure.

ARTIKEL 24.

Die bepalinge van hierdie verdrag is ook van toepassing op die mandatsgebied Suidwes-Afrika.

ARTIKEL 25.

Die bepalinge van hierdie verdrag ten opsigte van nasionale behandeling of behandeling van die mees begunstigde land, deur een van die kontrakterende partye aan die onderdane of burgers van die ander toegeestaan, maak geen inbreuk op die reg van een van die partye tot toepassing van die beperkings, van tyd tot tyd in sy gebied van krag, op die toegang, reis, verblyf, werk, eiendomsreg van onroerende goed, huwelik of enige ander handeling van iemand wat tot 'n Asiatische of gekleurde ras behoort of daarvan afstam; mits daardie beperkings op dieselfde tyd, op dieselfde wyse en tot dieselfde mate toegepas word op die Asiatische of gekleurde onderdane of burgers van alle ander state, met uitsondering van aangrensende state of gebiede, ten opsigte waarvan soortgelyke gronde vir die toepassing daarvan mag bestaan.

ARTIKEL 26.

Na goedkeuring deur die bevoegde wetgewende gesag van die kontrakterende partye sal hierdie verdrag bekragtig word en die bekragtigingsaktes sal so spoedig moontlik in Berlyn uitgewissel word. Dit sal in werking tree op die dag van die uitwisseling van die bekragtigingsaktes en sal die partye vir twee jaar vanaf daardie datum verbind. Die verdrag sal daarna van krag hly tot na verloop van ses maande vanaf die datum, waarop een van die kontrakterende partye dit sal opgesê het.

Ter oorkonde waarvan die gevolmagtigdes, elkeen hierdie verdrag onderteken en hulle seëls daaraan geheg het.

Gedaan te Pretoria in duplikaat in Afrikaans, Engelse en Duitse teks, die 1ste September 1928.

(Get.) F. W. BEYERS.
() O. SARNOW.

PROTOKOL.

(1)

Vir die doeleindes van subartikel (3) van Artikel 4 word die Tolregio-ooreenkoms wat nou bestaan, of ooreenkoms van soortgelyke aard wat hierna ingevolge Artikel 10 van Wet No. 36 van 1925 van die Unie van Suid-Afrika mag gesluit word tussen die Regering van laangrensende land en van Suidelike en Noordelike Rhodesië en die Gebiede Basoetoland, Swasiland en die Beetsjoanalandse Protektoraat, as Tolunies beskou.

(2)

Die bepalinge van Artikel 5 sal nie van toepassing wees nie in sover die Britse koop-vandywet (Merchant Shipping Act) neêrle dat Britse skeep slegs, gedeeltelik of geheel, die eiendom van Britse onderdane kan wees.

(3)

Die Duitse Ryk doen afstand van enige aanspraak op die minimumtolregte of kortings, ten opsigte van die goedere wat in die voorbehoud op die eerste paragraaf van Artikel 8 vermeld is, alleen indien en wanneer daardie minimumtolregte of kortings beperk bly tot die lande respektiewelik daarin by name opgenoem.

The court of arbitration shall, in each particular case, be constituted by each party nominating one of its subjects as arbiter and both parties choosing a subject of a third state as chairman and co-arbiter. Should the parties fail to agree upon the choice of the chairman within four weeks after the receipt of the request for a decision by arbitrators, they shall jointly request the President of the Permanent International Court of Arbitration at The Hague to appoint such chairman. The contracting parties reserve to themselves the right to agree beforehand as to the person of such chairman for a stated period.

The rules of procedure to be observed by the court of arbitration shall in each particular case be settled by mutual agreement between the parties. If the parties fail to agree upon such rules of procedure within three months from the date of appeal to arbitration the court of arbitration shall itself settle its procedure.

ARTICLE 24.

The provisions of this treaty shall also apply to the Mandated Territory of South-West Africa.

ARTICLE 25.

The stipulations of this treaty with respect to national or most favoured nation treatment granted by either of the contracting parties to the subjects or citizens of the other shall not be held to interfere with the right of either party to apply the limitations or restrictions, in force from time to time in its territory, upon the entrance, travel, residence, work, ownership of immovable property, marriage or any other act of any person belonging to or descended from any Asiatic or coloured race; provided, however, that such limitations and restrictions shall be applied at the same time, in the same manner, and to the same extent to the Asiatic or coloured subjects or citizens of all other states, not being adjacent states or territories, in regard to which like grounds for applying them may exist.

ARTICLE 26.

The present treaty, after having been approved by the competent legislative authorities of the contracting parties, shall be ratified and the ratifications shall be exchanged in Berlin as soon as possible. It shall come into force on the day of the exchange of ratifications and shall be binding for two years from that date. The treaty shall thereafter remain in force until the expiration of six months from the date on which either of the contracting parties shall have denounced it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done at Pretoria in duplicate in English, Afrikaans and German texts, the 1st of September, 1928.

(Signed) F. W. BEYERS.
() O. SARNOW.

PROTOKOL.

(1)

For the purposes of sub-section (3) of Article 4 the Customs Agreements now existing or agreements of a like nature hereafter concluded under Section 10 of Act No. 36 of 1925 of the Union of South Africa between the Governments of the latter country and of Southern and Northern Rhodesia, and the Territories of Basutoland, Swaziland, and the Bechuanaland Protectorate, shall be deemed Customs Unions.

(2)

The provisions of Article 5 shall not apply in so far as the British Merchant Shipping Act provides that British ships can only, partly or wholly, be owned by British subjects.

(3)

It is understood that the German Reich renounces any claim to the minimum rates or rebates in respect of goods referred to in the proviso to the first paragraph of Article 8 only if and when such minimum rates or rebates are confined to the countries specified therein respectively.

Das Schiedsgericht wird für jeden Streitfall in der Weise gebildet, dass jeder Teil einen seiner Angehörigen zum Schiedsrichter ernannt und dass beide Teile einen Angehörigen eines dritten Staates zum Obmann wählen. Einigen sich die vertragsschliessenden Teile über die Wahl des Obmanns nicht binnen vier Wochen, nachdem das Verlangen auf schiedsgerichtliche Entscheidung eingegangen ist, so werden sie gemeinsam den Präsidenten des Ständigen Internationalen Gerichtshofs in Haag um Ernennung des Obmanns ersuchen. Die vertragsschliessenden Teile behalten sich vor, sich von vornherein für einen bestimmten Zeitraum über die Person des Obmanns zu verständigen.

Die Regelung des Verfahrens bleibt einer von den vertragsschliessenden Teilen in jedem einzelnen Streitfall zu vereinbarenden Schiedsordnung vorbehalten. Einigen sich die Parteien innerhalb von drei Monaten nach Anrufung des Schiedsgerichts nicht über die Schiedsordnung, so regelt das Schiedsgericht selbst das Verfahren.

ARTIKEL 24.

Die Bestimmungen dieses Vertrages sollen auch auf das Mandatsgebiet Südwestafrika Anwendung finden.

ARTIKEL 25.

Die Bestimmungen dieses Vertrages über Gleichstellung mit Inländern oder Meistbegünstigung, die ein vertragsschliessender Teil den Staatsangehörigen des anderen gewährt, sollen nicht das Recht der vertragsschliessenden Teile berühren, die jeweils in ihren Gebieten in Kraft befindlichen Beschränkungen oder Einschränkungen anzuwenden, die hinsichtlich der Einreise, des Reisens, des Aufenthalts, der Beschäftigung, des Grundeigentums, der Beschliessung oder irgend einer anderen Handlung für Personen bestehen, die einer asiatischen oder farbigen Rasse angehören oder von ihr abstammen; vorausgesetzt jedoch, dass solche Beschränkungen und Einschränkungen zu gleicher Zeit, in gleicher Weise und in gleicher Ausdehnung auf die asiatischen oder farbigen Angehörigen aller anderen nicht angrenzenden Staaten oder Gebiete Anwendung finden, bei denen gleiche Gründe für ihre Anwendung vorliegen.

ARTIKEL 26.

Dieser Vertrag soll ratifiziert werden, nachdem er von den zuständigen gesetzgebenden Stellen der vertragsschliessenden Teile gebilligt worden ist, und die Ratifikationsurkunden sollen so bald als möglich in Berlin ausgetauscht werden. Der Vertrag wird am Tage des Austausches der Ratifikationsurkunden in Kraft treten und von diesem Tage ab zwei Jahre in Kraft bleiben. Der Vertrag soll danach weiter Geltung behalten bis zum Ablauf von 6 Monaten vom dem Tage an gerechnet, an dem ein vertragsschliessender Teil ihn gekündigt haben wird.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten den vorliegenden Vertrag unterzeichnet und hierunter ihre Siegel gesetzt.

In zweifacher Ausfertigung geschehen zu Pretoria in deutscher, englischer und afrikanischer Sprache am 1ste September 1928.

(Get.) O. SARNOW.
() F. W. BEYERS

PROTOKOLL.

(1)

Im Sinne von Artikel 4 Ziffer 3 sollen als Zollunionen angesehen werden die bestehenden oder etwa später gemäss § 10 des Gesetzes Nr. 36 für 1925 der Südafrikanischen Union abgeschlossenen gleichartigen Zollvereinbarungen zwischen der Regierung des letztgenannten Landes einerseits und Süd- und Nord-Rhodesien sowie den Gebieten Basutoland, Swaziland und den Bechuanaland-Protektorat andererseits.

(2)

Die Bestimmungen des Artikels 5 sollen keine Anwendung finden, insoweit das britische Gesetz über Kauffahrtschiffe (Merchant Shipping Act) vorsieht, dass britische Schiffe, ganz oder teilweise, nur im Eigentum von britischen Untertanen stehen können.

(3)

Es besteht Einverständnis darüber, dass das Deutsche Reich auf die Mindestsätze oder Nachlässe für die in dem Vorbehalt in Artikel 8 Absatz 1 erwähnten Waren nur unter der Bedingung verzichtet, dass diese Mindestsätze oder Nachlässe auf die dort ausdrücklich angeführten Länder beschränkt bleiben.

(4)

- (a) Die beskerming van diere en plante teen siekte, in Artikel 10 (2) vermeld, het ook betrekking op maatreëls wat getref word tot hulle behoud teen ontarding, of uitsterwing en op maatreëls wat getref word teen skadelike sade, plante, parasiete en diere.
- (b) Hoewel die kontrakterende partye dit nagelaat het om in Artikel 10 (4) melding te maak van maatreëls betreffende "standaard"-voortbrengsels en omskrywing van voortbrengsels, verklaar hulle dat hierdie paragraaf in dié sin moet uitgelê word dat dit hoegenaamd geen inbreuk maak nie op die gebruik van die een of die ander party om die uitvoer van sy voortbrengsels te onderwerp aan sekere voorwaardes met die oog op die versekering van hoedanigheid met die doel om die goeie naam van daardie voortbrengsels te handhaaf en tevens om aan die buitelandse koper 'n waarborg te verskaf. Hulle verklaar verder dat hulle die betrokke paragraaf in dié sin uitlê dat dit ieder van die partye verbied om 'n stelsel van klasindeling of omskrywing van voortbrengsels toe te pas as 'n onregstreekse middel om die invoer van die voortbrengsels van die ander party te beperk of om teenoor hulle 'n onbillike onderskeid te maak.
- (c) Verbodsbepalings of beperkings ten opsigte van goedere wat in gewagnisse vervaardig is, word nie deur Artikel 10 geraak nie.
- (d) Die tans nog bestaande verbodsbepalings op invoer en uitvoer wat ieder van die kontrakterende partye aan die ander aal meedeel, word nie deur die bepaling van Artikel 10 geraak nie.

Die twee Regerings sal die lysste van die bestaande verbodsbepalings uitwissel binne drie maande vanaf die inwerkingtreding van die voorgaande verdrag.

(5)

Op grond van die meesbegunstiging, waartoe die kontrakterende partye in Artikel 12 ooreengekom het, kan begunstigings in die spoorwegverkeer, deur een van die partye aan 'n derde land verleen, deur die ander party alleen geëis word vir die vervoer van soortgelyke goedere in dieselfde rigting en op dieselfde verkeersroetes.

(6)

Die kontrakterende partye kom ooreen dat omsetbelasting ook behoort tot die inlandsse regte in Artikel 13 vermeld.

(7)

Ter vergemakliking en vermeerdering van die wedersydse verkeer van artikels wat in hulle respektiewe gebiede voortgebring en vervaardig word, is die Kontrakterende partye voornemens om 'n ooreenkoms omtrent toelagbegunstigings aan te gaan.

Wanneer hierdie ooreenkoms gesluit is, sal dit as deel van die voorgaande verdrag bekend word.

(8)

Die kontrakterende partye kom ooreen om verdrae aan te gaan tot voorkoming van dubbele belasting en tot verkaffing van regbeskerming en regshystand in belastinggevalle; en om ontwerpe vir hierdie verdrae so spoedig moontlik uit te wissel.

(9)

Die bepalinge van die voorgaande verdrag wat betrekking het op die behandeling van die onderdane en burgers of skepe van die kontrakterende partye, sal, in so ver dit Sy Britse Majesteit aangaan, van toepassing wees nitsluitend op onderdane van Sy Britse Majesteit wat burgers is van die Unie van Suid-Afrika volgens Wet No. 40 van 1927 en op skepe in die Unie van Suid-Afrika geregistreer.

Hierdie protokol maak 'n wesenlike deel uit van die Verdrag van Handel en Skeepvaart wat vandag onderteken is, en tree in werking op dieselfde tyd as die verdrag.

Gedaan te Pretoria in duplikaat in Afrikaans, Engelse en Duitse teks, die 1ste September 1928.

(Get.) F. W. BEYERS.
(„ „) O. SARNOW.

(4)

- (a) The protection of animals and plants against disease mentioned in Article 10 (2) also refers to measures taken to preserve them from degeneration or extinction and to measures taken against harmful seeds, plants, parasites and animals.
- (b) The contracting parties, although they have refrained from making any reference in Article 10 (4) to measures relating to "standard" products and definitions of products, declare that this paragraph must be interpreted as in no way interfering with the practice followed by either party of subjecting the exportation of their products to certain conditions with a view to ensuring quality with the object of preserving the reputation of those products and at the same time of offering a guarantee to the foreign purchaser. They further declare that they interpret the paragraph in question as prohibiting either party from having recourse to any system of classifying or defining products as an indirect means of restricting, or unfairly discriminating against, the importation of the products of the other party.
- (c) Prohibitions or restrictions in respect of prison-made goods are not affected by Article 10.
- (d) The presently still existing prohibitions of importation and exportation which shall be notified by either of the contracting parties to the other are not affected by the stipulations of Article 10.

The two Governments will exchange the lists of the existing prohibitions within three months from the coming into force of the foregoing treaty.

(5)

By virtue of the most favoured nation treatment agreed to in Article 12 concessions which either of the contracting parties may grant to a third country in regard to railway traffic can only be claimed by the other party for the transport of similar goods in the same direction and on the same routes.

(6)

It is agreed that the turnover-tax also belongs to the internal duties mentioned in Article 13.

(7)

In order to facilitate and increase the reciprocal exchange of articles produced or manufactured in their respective territories the contracting parties intend to conclude an agreement on mutual customs tariff concessions.

This agreement, when concluded, will be considered part of the foregoing treaty.

(8)

The contracting parties agree to conclude treaties for the removal of double taxation and for the affording of legal protection and legal assistance in tax cases and to exchange drafts for these treaties as soon as possible.

(9)

The stipulations of the foregoing treaty which relate to the treatment of subjects and citizens or ships and vessels of the contracting parties shall, as far as His Britannic Majesty is concerned, apply exclusively to subjects of His Majesty who are nationals of the Union of South Africa in terms of Act No. 40 of 1927 and to ships and vessels registered in the Union of South Africa.

This protocol constitutes an essential part of the Treaty of Commerce and Navigation signed this day and shall come into force at the same time as this treaty.

Done at Pretoria in duplicate in English, Afrikaans and German texts, the 1st of September, 1928.

(Signed) F. W. BEYERS.
(„ „) O. SARNOW.

(4)

- (a) Der in Artikel 10 (2) erwähnte Schutz von Tieren und Pflanzen gegen Krankheiten umfasst auch Massnahmen zu ihrem Schutze gegen Entartung oder Aussterben sowie die auf schädliche Sämereien, Pflanzen, Parasiten und Tiere angewendeten Massnahmen.
- (b) Die vertragschliessenden Teile haben zwar in Artikel 10 (4) Massnahmen in bezug auf sogenannte Standard-Erzeugnisse und auf Definitionen von Erzeugnissen nicht angeführt, erklären jedoch, dass dieser Absatz so auszulegen ist, dass er keinen Teil an dem Verfahren hindert, die Ausfuhr seiner Erzeugnisse von gewissen qualitativen Bedingungen abhängig zu machen, um einerseits den guten Ruf dieser Erzeugnisse zu wahren und andererseits dem ausländischen Käufer eine Garantie zu geben. Sie erklären ferner, dass sie den betreffenden Absatz so auslegen, dass er jedem Teil verbietet, irgend ein System der Klassifizierung oder Definition von Erzeugnissen als indirektes Mittel zur Beschränkung oder zu ungerechter Diskriminierung der Einfuhr der Erzeugnisse des anderen Teils anzuwenden.
- (c) Verbote oder Beschränkungen für Waren, die in den Gefängnissen hergestellt sind, werden durch Artikel 10 nicht berührt.
- (d) Die jetzt noch bestehenden Ein- und Ausfuhrverbote, die jeder vertragschliessende Teil dem anderen mitteilen wird, werden durch die Bestimmungen des Artikels 10 nicht berührt.

Beide Regierungen werden die Listen der bestehenden Verbote innerhalb von drei Monaten nach Inkrafttreten des vorstehenden Vertrages austauschen.

(5)

Auf Grund der in Artikel 12 vereinbarten Meistbegünstigung können Begünstigungen, die ein vertragschliessender Teil einem dritten Lande im Eisenbahnverkehr gewährt, von dem anderen Teil nur für gleichartige Gütertransporte in derselben Richtung und auf derselben Verkehrsstrecke in Anspruch genommen werden.

(6)

Es besteht Einverständnis darüber, dass zu den in Artikel 13 genannten inneren Abgaben auch die Umsatzsteuer gehört.

(7)

Um dem gegenseitigen Austausch von Waren zu erleichtern und zu fördern, die in ihren Gebieten erzeugt oder hergestellt sind, beabsichtigen die vertragschliessenden Teile eine Vereinbarung über gegenseitige Zollzugeständnisse abzuschliessen.

Dieses Abkommen wird nach seinem Abschluss als Bestandteil des vorstehenden Vertrages angesehen werden.

(8)

Die vertragschliessenden Teile kommen überein, Verträge über die Beseitigung von Doppelbesteuerung und die Gewährung von Rechtsschutz und Rechtshilfe in Steuer-sachen abzuschliessen und Entwürfe zu diesen Verträgen baldmöglichst auszutauschen.

(9)

Die Bestimmungen des vorstehenden Vertrages, die sich auf die Behandlung von Staatsangehörigen oder Schiffen der vertragschliessenden Teile beziehen, sollen, in soweit es Seine Britannische Majestät angeht, ausschliesslich Anwendung finden auf Untertanen seiner Majestät, die nach dem Gesetz Nr. 40 von 1927 Angehörige der Suidafrikanischen Union sind, und auf Schiffe, die in der Suidafrikanischen Union registriert sind.

Dieses Protokoll bildet einen wesentlichen Bestandteil des heute unterzeichneten Handels- und Schiffsverkehrsvertrages und tritt gleichzeitig mit diesem Vertrage in Kraft.

Gegeben in Pretoria in zweifacher Ausfertigung in deutscher, englischer und afrikanischer Sprache, am 1sten September 1928.

(Get.) O. SARNOW.
(„ „) F. W. BEYERS.



OFFICIAL GAZETTE

OF THE

HIGH COMMISSIONER FOR SOUTH AFRICA.

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PRETORIA, FRIDAY, 16TH NOVEMBER, 1928.

[No. 1423.]

HIGH COMMISSIONER'S NOTICE No. 120 of 1928.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to appoint the Reverend Father Michael Mary Ramsay, of the Roman Catholic Church, to be a Marriage Officer in and for the Territory of Swaziland with power to solemnize marriages among Europeans, in terms of Transvaal Law No. 3 of 1871, and among Coloured Persons, in terms of Transvaal Law No. 3 of 1897, both of which laws are in force in Swaziland.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.

High Commissioner's Office,
Pretoria, 9th November, 1928.

HIGH COMMISSIONER'S NOTICE No. 121 of 1928.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to appoint Dr. Frank Augustus Donnelly to be a Medical Officer in the Swaziland Service, with effect from the 15th August, 1927.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.

High Commissioner's Office,
Pretoria, 12th November, 1928.

HIGH COMMISSIONER'S NOTICE No. 122 of 1928.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to confer upon Sub-Inspector Herbert Bouching the honorary rank of Inspector in the Bechuanaland Protectorate Police.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.

High Commissioner's Office,
Pretoria, 13th November, 1928.

IN THE SPECIAL COURT OF SWAZILAND.

[Before His Honour the Resident Commissioner (I. Ainsworth Dickson, M.C.).]

Mbabane, 5th November, 1928.

In the matter of the ex parte application of Bertram Nicholson, on his capacity as the Government Secretary of Swaziland and as such representing herein the Government of Swaziland.

Upon the motion of Mr. Mills, of Counsel for the applicant, and upon reading applicant's petition and affidavit praying for an order inter alia:—

1. Confirming the free grant of portion of "Plein" or "Square" estate in the Bremersdorp Township, Swaziland, in extent approximately 261 square rods (66 square feet, by the Government of Swaziland to the Government of the Union of South Africa (in its Railways and Harbours Administration) upon the following terms and conditions:—

- (a) That the land shall be granted free of charge.
- (b) That the Grantee shall pay an annual quitrent of 10s. to the Swaziland Government.

(c) That the Grantee shall pay all costs of survey, transfer and any other costs and charges in connection with the registration of title into the name of the Grantee.

(d) That the land so granted shall be deemed to be an Erf in the township of Bremersdorp and shall be subject to all such terms, conditions, servitudes and laws as all other erven in the said township are subject to.

2. Authorizing and directing the Surveyor-General to examine, approve and register in his office a diagram of the property so granted.

3. Authorizing and directing the Registrar of Deeds for Swaziland to register in his office a Crown Grant or other Title-deed of the property so granted to and in favour of the Grantee.

4. Granting such other or further relief as to this Honourable Court may seem fit.

It is Ordered:

A. That a rule nisi issue calling upon all persons interested to show cause (if any) to this Court on Monday, the 3rd day of December, 1928, why applicant's prayer shall not be granted.

B. That a copy of the Petition and of this Rule be served by Registered Post on the Registrar of Deeds of Swaziland and the Surveyor-General for Swaziland.

C. That this Rule be published once in a newspaper circulating in Swaziland and in the Official Gazette of the High Commissioner for South Africa.

By the Court.

W. W. USHER,
Registrar.

BECHUANALAND PROTECTORATE.

GABERONES LICENSING COURT.

Notice is hereby given that a Court, open to the public, will be held at the Resident Magistrate's Office, at Gaberones, at 10 a.m. on Wednesday, the 5th December, 1928, for the purpose of taking evidence for and against all applications for the granting, renewal, transfer, or removal of any liquor licence for and in respect of which proper notice shall have been given in the Gaberones District of the Bechuanaland Protectorate for the year 1929.

The following application has been received:—

RENEWAL.

Mr. J. Miller, retail wine and spirit, Gaberones Station.

E. O. BUTLER,

Resident Magistrate for the Gaberones District of the Bechuanaland Protectorate.

Resident Magistrate's Office,
Gaberones, 13th October, 1928.

LICENSING COURT.

NGWATO DISTRICT LICENSING COURT.

Notice is hereby given that a Licensing Court, open to the public, will be held in the Court-room, at Serowe, at 10 a.m. on Wednesday, 5th December, 1928, for the purpose of taking evidence for and against all applications for the granting, renewal, transfer or removal of any liquor licence in the Ngwato District of the Bechuanaland Protectorate for the year 1929 for in respect of which proper notice shall have been given, such notice to be lodged in writing with the undersigned not later than 25th November, 1928.

G. E. NETTELTON,

Resident Magistrate.

Resident Magistrate's Office,
Serowe, 5th November, 1928.

OFFICIAL GAZETTE OF THE HIGH COMMISSIONER FOR SOUTH AFRICA.

IN THE SPECIAL COURT OF SWAZILAND.

In re SWAZILAND ADMINISTRATION, Applicants, versus
THE UNDERMENTIONED MINERAL CONCESSIONAIRES,
Respondents.

Demand in terms of Section 3 of Proclamation No. 45 of 1912,
as Amended by Section 1 of Proclamation No. 24 of 1928, and
in terms of Section 1 of Proclamation No. 25 of 1928, Amend-
ing Proclamation No. 46 of 1914.

Notice is hereby given to the undermentioned Concessionaires,
whose present addresses are unknown, that unless the full amounts
of Rentals, Survey Fees and Expropriation Costs, together with

all interest thereon due by them as set out below in respect of the
Mineral Concessions set opposite their respective names, are paid
at the office of the Government Secretary, Swaziland Administra-
tion, at Mbabane, Swaziland, on or before the 4th day of January,
1929, application will be made by the undersigned to the Honour-
able the Special Court of Swaziland, at Mbabane, on Friday the
11th day of January, 1929, at 10 a.m., for Warrants of Execution
against such Concessionaires for the amounts due by them, in
terms of Section 3 of Proclamation No. 45 of 1912, as amended by
Section 1 of Proclamation No. 24 of 1928, and in terms of Section 1
of Proclamation No. 25 of 1928 amending Proclamation No. 46 of
1914:—

| Name of Concessionaire. | Concession
No. | Extent of Concession. | Amount of
Rental
and
Interest to
31st October,
1928.
*
£ s. d. | Amount of
Survey Fees
and
Interest to
31st October,
1928.
*
£ s. d. | Amount of
Expropriation
Costs and
Interest to
31st October,
1928.
*
£ s. d. |
|---|----------------------|--|---|--|--|
| William Rule..... | 8m..... | Three-eighths share of 4,460 morgen 580 sq.
roods | 728 7 1 | 22 5 6 | 5 11 2 |
| William Rule..... | 53m..... | One-half share of 2,132 morgen 433 sq. roods | 551 5 0 | 14 3 7 | 3 11 0 |
| Sacke & Levin..... | 8m..... | One-eighth share of 4,460 morgen 580 sq.
roods | 242 8 7 | 6 18 4 | 1 16 10 |
| Acton Swaziland Concession, Limited..... | 10m..... | 42,131 morgen 565 sq. roods..... | 1,503 14 6 | 560 11 9 | 139 15 0 |
| The Kobolondo Development Syndicate,
Limited | 32m (Kobo-
londo) | 11,293 morgen 552 sq. roods..... | 2,448 3 4 | — | — |
| The Swaziland Gold Exploration & Land
Company, Limited | 46m..... | 18,934 morgen 167 sq. roods..... | 869 9 0 | 213 0 0 | — |
| Estate of William Halford..... | 51m..... | 11,090 morgen 459 sq. roods..... | 223 4 4 | — | — |
| Charles Lennox Stretch..... | 125m..... | 12,720 morgen 227 sq. roods..... | 1,372 1 5 | 169 4 11 | 42 3 11 |
| New Goldfield Syndicate, Limited..... | 7m..... | 111,663 morgen 480 sq. roods..... | — | 1,485 12 10 | 370 8 0 |
| John Crobbie Aitken Henderson..... | 13m..... | One-fourth share of 7,991 morgen 379 sq.
roods | — | 26 12 4 | 6 12 6 |
| Milka Cohn (Widow)..... | 13m..... | One-fourth share of 7,991 morgen 379 sq.
roods | — | 26 12 4 | 6 12 6 |
| The Usutu Concession, Limited, of London.. | 24m..... | 76,243 morgen 33 sq. roods..... | — | 422 13 5 | — |

* Plus further interest *a tempore mora* from 1st November, 1928, to date of payment.

Mbabane, Swaziland,
5th November, 1928.

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BERTRAM NICHOLSON,
Government Secretary,

NOTICE.

In the Estate of the late Chief JONATHAN MOLAPO, of Leribe.
Basutoland.

Debtors and Creditors in the above Estate are requested to pay
their debts to, and lodge their claims with, the undersigned within
six weeks from 12th November, 1928.

TENNENT & VAN DER MERWE,
q.q. Executors Testamentary.

P.O. Box 12,
Ficksburg, Orange Free State.

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BY James E. Vremler DATE 7/21/65

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DOCUMENT FILE

NOTE

SEE 894.00/263 FOR Despatch #647

FROM Japan (MacVeagh) DATED Oct. 11, 1927
TO NAME 1-1127 GPO

REGARDING: Projected South African Treaty. Translation from the
ASAHI SHIMBUN which appeared in Rengo Press services of
September 8th.

9. Projected South African Treaty.

A translation from the ASAHI SHIMBUN which appeared
in the Rengo Press services of September 8th, pertaining
to the treaty under consideration, is as follows:

"The Imperial Government is going to start
negotiations with the South African Government
for the conclusion of a treaty of commerce and
navigation. By virtue of the treaty, when concluded,
the Japanese capitalists will be given the chance of
investing in diamond mining in the continent, and a
new field will in consequence be opened up for
Japanese immigrants."

INDEX BUREAU
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